



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

**Author and Title**

**Utah. Laws, statutes, etc.  
Laws of the state of Utah.**

Call Number	KFU 25 A223	Volume	1901	Copy
-------------	-------------------	--------	------	------

**THIS BOOK DOES NOT CIRCULATE  
OUTSIDE THE BUILDING**

NAME	LOCATION

**Utah. Laws, statutes, etc.  
Laws of the state of Utah.**

KFU	Vol.
25	1901
A223	









# LAWS

OF THE

## STATE OF UTAH,

PASSED AT THE

### FOURTH REGULAR SESSION

OF THE

## LEGISLATURE OF THE STATE OF UTAH.

HELD AT

SALT LAKE CITY, THE STATE CAPITAL, IN JANUARY,  
FEBRUARY AND MARCH, 1901.

---

PUBLISHED BY AUTHORITY.

---

SALT LAKE CITY:  
THE DESERET NEWS.  
1901.





## STATE OFFICERS.

---

GOVERNOR..... HEBER M. WELLS,  
OF SALT LAKE CITY.  
SECRETARY OF STATE..... JAMES T. HAMMOND,  
OF SALT LAKE CITY.  
STATE AUDITOR..... CHARLES S. TINGEY,  
OF NEPHI.  
STATE TREASURER..... JOHN DE GREY DIXON,  
OF PROVO.  
ATTORNEY GENERAL..... M. A. BREEDEN,  
OF OGDEN.  
SUPERINTENDENT OF PUBLIC INSTRUCTION..... A. C. NELSON,  
OF MANTI.

---

### JUSTICES OF THE SUPREME COURT:

JAMES A. MINER, CHIEF JUSTICE.  
ROBERT N. BASKIN, JUSTICE.  
GEORGE W. BARTCH, JUSTICE.

## DISTRICT JUDGES.

FIRST JUDICIAL DISTRICT.....	CHARLES H. HART.
SECOND JUDICIAL DISTRICT.....	HENRY H. ROLAPP.
THIRD JUDICIAL DISTRICT.....	{ .....W. C. HALL
	{ .....C. W. MORSE.
	{ .....SAMUEL W. STEWART.
FOURTH JUDICIAL DISTRICT.....	JOHN E. BOOTH.
FIFTH JUDICIAL DISTRICT.....	THOMAS MARIONEUX.
SIXTH JUDICIAL DISTRICT.....	WILLIAM M. McCARTY.
SEVENTH JUDICIAL DISTRICT.....	JACOB JOHNSON.

## DISTRICT ATTORNEYS.

FIRST JUDICIAL DISTRICT. . . . . FRANK K. NEBEKER.  
SECOND JUDICIAL DISTRICT. . . . . A. B. HAYES.  
THIRD JUDICIAL DISTRICT. . . . . DENNIS C. EICHNOR.  
FOURTH JUDICIAL DISTRICT. . . . . A. C. HATCH.  
FIFTH JUDICIAL DISTRICT. . . . . JOSHUA GREENWOOD.  
SIXTH JUDICIAL DISTRICT. . . . . JOHN F. CHIDESTER.  
SEVENTH JUDICIAL DISTRICT. . . . . WILLIAM D. LIVINGSTON.

Members of the Fourth Regular Session of the  
Legislature of the State of Utah.

SENATORS.

ABEL J. EVANS, PRESIDENT,  
NOBLE WARRUM, SECRETARY.

H. S. Larsen,.....	First District
Joseph Howell,.....	Second District
J. G. M. Barnes,.....	Third District
Fred J Kiesel,.....	Fourth District
Edward M. Allison, Jr.,.....	
J. R. Murdock,.....	Fifth District
George N. Lawrence,.....	Sixth District
Hoyt Sherman,.....	
O. F. Whitney,.....	
R. K. Thomas,.....	
S. H. Love,.....	Seventh District
A. O. Smoot,.....	
Abel J. Evans,.....	Eighth District
George C. Whitmore,.....	
Ferdinand Alder,.....	Ninth District
Willis Johnson,.....	Tenth District
R. R. Tanner,.....	Eleventh District
Harden Bennion,.....	Twelfth District

## REPRESENTATIVES.

---

WILLIAM GLASMANN, SPEAKER.

M. M. STEELE, JR., CHIEF CLERK.

John P. Holmgren.. . . .	First District
Seth A. Langton, . . . . .	} . . . . . Second District
Joseph Pond, . . . . .	
P. M. Maughan, . . . . .	
Edward R. South. . . . .	Third District
Edward H. Anderson, . . . . .	} . . . . . Fourth District
William Glasmann, . . . . .	
Thomas H. Davis. . . . .	
Archibald McFarland, . . . . .	
Richard R. Fry, . . . . .	Fifth District
O. P. Hatch, . . . . .	Sixth District
Francis E. Hall . . . . .	Seventh District
Rulon S. Wells, . . . . .	} . . . . . Eighth District
William McMillan. . . . .	
Nephi L. Morris. . . . .	
William N. Williams, . . . . .	
W. G. Van Horne, . . . . .	
A. L. Hamlin, . . . . .	
John T. Axton, . . . . .	
Benner X. Smith, . . . . .	
Orson H. Hewlett, . . . . .	
Archibald Stuart, . . . . .	
Dan Lambert, . . . . .	Ninth District
William Van Wagenen, . . . . .	Tenth District

Mosiah Evans, .....	}	..... Eleventh District
Henry Gardner, .....		
Ephraim Homer, .....		
D. C. Johnson, .....		
George P. Billings, .....		Twelfth District
Frank Holzheimer, .....		Thirteenth District
N. C. Christensen, .....	}	..... Fourteenth District
John L Bench, .....		
J. R. Sharp, .....		Fifteenth District
Levi N. Harmon, .....		Sixteenth District
A. P. Mohr, .....		Seventeenth District
John W. Phillips, .....		Eighteenth District
Eugene W. Kelley, .....		Nineteenth District
William H. Barrett, .....		Twentieth District
Samuel L Page, .....		Twenty-first District
Albert Stevens, .....		Twenty-second District
George W. Johnson, .....		Twenty-third District
Joseph F. McGregor, .....		Twenty-fourth District
David H. Morris, .....		Twenty-fifth District
H. S. Cutler, .....		Twenty-sixth District
Lemuel H. Redd, .....		Twenty-seventh District



## TABLE OF CONTENTS.

---

	PAGE.
Certificate of Authentication.. . . . .	XV
Chapter 1. Contingent Expenses of the Legislature... . . . .	1
Chapter 2. Railroad Corporations.....	1
Chapter 3. Railroad Corporations.....	4
Chapter 4. Burial of Deceased Soldiers.....	6
Chapter 5. Proceedings against Corporations.....	7
Chapter 6. Fugitives from Justice.....	7
Chapter 7. Grand Jury.....	8
Chapter 8. Notice of Application for Bail.....	8
Chapter 9. Dismissal of Criminal Action.....	9
Chapter 10. Bench Warrants. ....	9
Chapter 11. Transfer of Registration.....	10
Chapter 12. Subpoenas.....	10
Chapter 13. Conditional Examination of Witnesses.....	11
Chapter 14. Notice of Motion.....	11
Chapter 15. Poll Tax.....	12
Chapter 16. Banking Corporations.....	13
Chapter 17. School District Bonds .....	14
Chapter 18. Compulsory Vaccination. . . . .	15
Chapter 19. Civil Actions. ....	16
Chapter 20. Execution from Justices' Courts.....	16
Chapter 21. Lien of Judgment in Justices' Courts... . . . .	16
Chapter 22. Execution on Judgments from Justices' Courts ...	17
Chapter 23. Change of Place of Trial.....	17
Chapter 24. Superintendent of Public Instruction .....	18

Chapter 25.	Eminent Domain.....	19
Chapter 26.	Railroad Corporations.....	20
Chapter 27.	Appeals to Supreme Court.....	25
Chapter 28.	Information.....	26
Chapter 29.	Land in Lieu of Unsurveyed School Land...	27
Chapter 30.	County Commissioners.....	28
Chapter 31.	Property Exempt from Execution.....	28
Chapter 32.	Funding of County Indebtedness.....	30
Chapter 33.	School of Mines.....	31
Chapter 34.	Deputy Clerk and Stenographer of the Supreme Court.....	32
Chapter 35.	State Board of Land Commissioners.....	33
Chapter 36.	Kohl Meisen.....	34
Chapter 37.	Powers of School Trustees.....	35
Chapter 38.	Delivery of Convicts to State Prison.....	35
Chapter 39.	Approval of Bonds of State Officers.....	36
Chapter 40.	Sale of Exposition Grounds.....	36
Chapter 41.	Eight Hours a Day's Work.....	37
Chapter 42.	County Attorney.....	37
Chapter 43.	State Fair.....	38
Chapter 44.	Company Store and Boarding House.....	39
Chapter 45.	Improper Use of Certain Medals.....	39
Chapter 46.	Parties to Civil Actions.....	40
Chapter 47.	Payment of Salaries of County Officers.....	41
Chapter 48.	Pleading and Proving Corporate Existence.....	41
Chapter 49.	Authorizing Cities to Grant Depot Sites to Railroad Companies.....	42
Chapter 50.	County School Taxes.....	43
Chapter 51.	Apportionment of County School Tax.....	43
Chapter 52.	Requiring Street Railway Companies to Vestibule Cars.....	44
Chapter 53.	Intoxicating Liquors.....	45
Chapter 54.	State Superintendent of Public Instruction.....	46
Chapter 55.	Bureau of Statistics.....	47
Chapter 56.	Acceptance of Carey Act.....	49



Chapter 57.	Sale of Intoxicating Liquor within Ten Miles of an Indian Reservation.....	55
Chapter 58.	National Guard.....	55
Chapter 59.	Reservoir Land Grant Fund.....	56
Chapter 60.	Fees of Secretary of State.....	58
Chapter 61.	Fraud of Corporate Officers and Agents.....	60
Chapter 62.	Inheritance Tax.....	61
Chapter 63.	Publication and Distribution of Marks and Brands.	65
Chapter 64.	Annual Publication of Marks and Brands.....	65
Chapter 65.	State Board of Equalization... ..	66
Chapter 66.	Outstanding Juror and Witness Certificates.....	66
Chapter 67.	Sale of Stocks of Merchandise in Bulk.....	67
Chapter 68.	State Board of Labor, Conciliation and Arbitration	68
Chapter 69.	District Attorneys .....	70
Chapter 70.	Adulterated Dairy Products.....	71
Chapter 71.	Dairy and Food Commissioner's Duties.....	72
Chapter 72.	Fraudulent Voting at Primaries.....	72
Chapter 73.	Salaries of Certain State Officers.....	73
Chapter 74.	Regulating the Insurance Business.....	74
Chapter 75.	Contingent Expenses of the Legislature.....	75
Chapter 76.	San Jose Scale.....	75
Chapter 77.	Storage or Transportation of Dangerous Explosives	76
Chapter 78.	Notice of Sale of Property for Taxes.....	76
Chapter 79.	Judgments for Taxes Unlawfully Collected.....	77
Chapter 80.	Church and Charitable Incorporations .....	78
Chapter 81.	General Corporations.....	79
Chapter 82.	High Schools .....	81
Chapter 83.	State Prison Library Fund.....	81
Chapter 84.	Investment of Sinking Funds.....	82
Chapter 85.	Coal Mines .....	83
Chapter 86.	Fencing Railroad Tracks.....	92
Chapter 87.	Slot Machine .....	93
Chapter 88.	Printing Biennial Report State Board of Horticul- ture.. ..	93

Chapter 89.	Appropriation for the Destruction of Ground Squirrels, etc.....	94
Chapter 90.	County Board of Equalization .....	94
Chapter 91.	Annual Financial Statements of Cities.....	95
Chapter 92.	Notice of Hearing Petition for Letters of Administration.....	95
Chapter 93.	Chattel Mortgages.....	96
Chapter 94.	Uniform Examination of Teachers.....	96
Chapter 95.	Teachers' Examination.....	97
Chapter 96.	Infernal Machine.....	97
Chapter 97.	Vote of Thanks to Scofield Relief Committee.....	98
Chapter 98.	Salaries of Officers and Employees of State Prison .....	99
Chapter 99.	Present Ownership Maps.....	100
Chapter 100.	Notice of Sales of Estrays.....	100
Chapter 101.	County Maps.....	101
Chapter 102.	Filling Vacancies on Board of Pardons.....	102
Chapter 103.	Mileage of District Judges and District Attorneys .....	102
Chapter 104.	Validating Certain Instruments.....	103
Chapter 105.	Taxation of Transient Stock.....	103
Chapter 106.	Justices of the Peace in Cities of the First Class .....	108
Chapter 107.	Precinct Officers .....	109
Chapter 108.	Election of certain City Officers .....	109
Chapter 109.	City Courts.....	110
Chapter 110.	Who may act as Attorney in Justices', Municipal and City Courts.....	116
Chapter 111.	Certain County and Precinct Officers .....	117
Chapter 112.	Municipal Courts.....	117
Chapter 113.	Judgment for Taxes Unlawfully Collected.....	121
Chapter 114.	Contents of Notice by Mail in Probate Practice .....	121
Chapter 115.	Posting Notices Under Probate Code.....	122
Chapter 116.	Redemption of Real Estate from Tax Sale.....	122
Chapter 117.	County Board of Examiners.....	123
Chapter 118.	Form of Assessment Roll.....	124
Chapter 119.	Brands, Labels and Property Marks.....	125

Chapter 120.	Annexation of San Juan County to Grand County	128
Chapter 121.	Manner of Annexing a County to an Adjoining County.....	129
Chapter 122.	Quarantine Regulations.....	131
Chapter 123.	District School Tax to Refund Taxes Unlawfully Collected.....	132
Chapter 124.	Powers of City Councils.....	133
Chapter 125.	State Engineer; Water Districts.....	141
Chapter 126.	Collection of Taxes from Car Companies.....	147
Chapter 127.	City School Tax.....	149
Chapter 128.	Fire Protection in Mines.....	150
Chapter 129.	Safety Apparatus in Mines.....	151
Chapter 130.	Sericulture .....	151
Chapter 131.	Local Assessments in Cities.....	153
Chapter 132.	Special Venire.....	154
Chapter 133.	Fish and Game .....	154
Chapter 134.	State Tax Levy.....	157
Chapter 135.	General Appropriations .....	158
Chapter 136.	Appropriations for Highways and Bridges .....	174
Chapter 137.	Bounties for the destruction of certain Wild Ani- mals .....	178
Chapter 138.	Municipal Elections.....	180
Chapter 139.	Partial Distribution of Estates of Decedents.....	181
Chapter 140.	Docking Horse's Tail.....	182



## CERTIFICATE OF AUTHENTICATION.

STATE OF UTAH,  
Office of the Secretary of State. } ss.

## ERRATA.

Page 39, Sec. 1, fifth line, "boarding" should be "board."

Page 111, after Sec. 6, "Sec. 9" should be "Sec. 7."

Page 117, Sec. 1, fifteenth line, before respective "the" should be "their."

Page 154, Chap. 133, in last line of title, "therewith" should be "herewith."

Page 155, Sec. 6, line 17, omit "the" before violation.

Page 181, Sec. 3948, line 10, "portion" should be "proportion."

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah.

Done at my office this 13th day of May,  
A. D. 1901.

JAMES T. HAMMOND,  
Secretary of State.





CERTIFICATE OF AUTHENTICATION.

STATE OF UTAH,  
Office of the Secretary of State. } ss.

I, JAMES T. HAMMOND, Secretary of State of the State of Utah, do hereby certify:

That the acts and joint resolutions published in this volume, beginning on page 1 and ending on page 183, are full, true and correct copies of the originals passed at the fourth regular session of the legislature of the state of Utah (1901), as the same appear on file in this office;

That each act which the legislature directed should take effect upon approval received the vote of two-thirds of all members elected to each house, except chapters 16, 45, 86 and 129, which acts failed to receive a two-thirds vote of all members elected to each house;

That all acts and joint resolutions published in this volume were officially published on the 13th day of May, 1901;

That the fourth regular session of the legislature of the state of Utah adjourned *sine die* on the 14th day of March, A. D. 1901.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah.

Done at my office this 13th day of May,  
A. D. 1901.

JAMES T. HAMMOND,  
Secretary of State.







# LAWS

OF

## THE STATE OF UTAH.

---

PASSED AT THE FOURTH REGULAR SESSION OF  
THE LEGISLATURE, 1901.

---

### CHAPTER 1.

#### CONTINGENT EXPENSES OF THE LEGISLATURE.

AN ACT to provide for the regular and contingent expenses of the fourth session of the Legislature of the State of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Appropriation to defray expenses of the Legislature. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the funds of the state treasury for the purpose of defraying the regular and contingent expenses of the fourth session of the Legislature; and the State Auditor shall draw his warrant on the State Treasurer for such money, or any portion thereof, upon the request, in writing, of the president and secretary of the Senate and speaker and chief clerk of the House of Representatives.

Sec. 2. This act shall take effect upon approval.

Approved this 18th day of January, 1901.

---

### CHAPTER 2.

#### RAILROAD CORPORATIONS.

AN ACT to amend section 433, chapter 7, title 11, of Revised Statutes of Utah of 1898, as amended by an act approved January 17, 1899, Chapter 1 of the Laws of the State of Utah, passed at the third regular session of the Legislature, 1899; and sections 435 and 442 of said chapter 7, title 11 of the Revised Statutes of Utah of 1898, providing for formation and powers of railroad corporations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 433, chapter 7, title 11, of Revised Statutes of Utah, of 1898, as amended by an act approved January 17th, 1899, chapter 1 of the Laws of the State of Utah, passed at the

third regular session of the Legislature, 1899, be and the same is hereby amended so as to read as follows:

**"433. May be formed to buy other railroads. Exception.** Railroad corporations may be formed pursuant to the laws of this state for the purpose of buying, owning, maintaining, operating and further extending the railroad, rights, property and franchises of any railroad corporation or corporations whose lines of railroad are situated within, or partly within and partly without this state, which shall have been or may be sold under judicial proceedings or in the enforcement of mortgage liens, or at private sale; and such purchasing corporation shall be entitled to exercise and enjoy all the powers, rights, privileges, and franchises which at the time of sale belonged to or were vested in the corporation or corporations last owning the property sold, not inconsistent with the laws and constitution of this state, as well as all rights, privileges and franchises conferred upon it under its articles of incorporation. Railroad corporations organized under the laws of Utah shall have power to purchase or otherwise lawfully acquire the capital stock or any part of the capital stock of any other railroad corporation, whose lines are or may be within this state, or partly within and partly without the same; and railroad corporations organized under the laws of Utah, and having already constructed or acquired a line or lines of railroad in this state may purchase or otherwise lawfully acquire the railroad, property and franchises and the capital stock or any part of the capital stock and the bonds and other obligations or any part thereof, or may guarantee the stocks, bonds or obligations of any railroad corporation whose lines within this state or partly within and partly without the same or wholly without this state connect with the line of railroad of such corporation of this state either by means of actual union of track or through the medium of any bridge, ferry or line of railroad leased, operated or otherwise controlled by either of said corporations. And any railroad corporation organized under the laws of this state that shall have heretofore increased, or shall hereafter increase the amount of the capital stock specified in its original or amended articles of association may receive subscriptions for such increase of stock on such terms as the board of directors or a majority of the stockholders shall authorize, payable in shares of the capital stock or in bonds or other obligations of any other railroad corporation of this or any other state whose capital stock, bonds and other obligations are hereby authorized to be purchased or acquired by such corporations of this state; *provided*, that the stock, bonds or obligations of such other corporation to be received in payment and exchange for the stock so subscribed for shall be of a par value at least equal to the par amount of the stock subscribed for, or of an actual or market value equal in the opinion of the board of directors to that of the stock so subscribed for and issued, and such stock so issued shall for all purposes be deemed fully paid and non-assessable; and *provided further* that these privileges shall not be construed to permit any railroad corporation of this state to consolidate its stock, property

or franchises with any other railroad corporation owning a competing line."

Sec. 2. That section 435, chapter 7, title 11, of the Revised Statutes of Utah of 1898, be and the same is hereby amended so as to read as follows:

"435. **Consolidation.** It shall be lawful for any railroad company organized or existing under the laws of this state to merge or to consolidate with any other railroad company or companies organized or existing under the laws of this or any other state or territory or of the United States; *provided*, that the lines of such companies shall not be competing but shall be substantially continuous, or connective either by means of actual union of track or through the medium of any bridge, ferry or line of railroad leased, operated or otherwise controlled by any or either of said corporations or which any such corporation shall have the right by contract or otherwise to use or operate. The agreement of merger or consolidation as the case may be, shall specify whether there shall be a merger of one or more such companies into another without the creation of a new corporation, or a consolidation forming a new consolidated corporation. The agreement shall be ratified by the stockholders of any such corporation of this state at any annual or general meeting or at any special meeting called for that purpose. It shall also be ratified by the stockholders of any such foreign corporation in the manner prescribed by the laws, if any there be, of the jurisdiction where such corporation was organized. The affidavit of the president and secretary of any such domestic or foreign corporation showing that such agreement has been ratified by stockholders or that such foreign laws have been fully complied with shall be filed with the Secretary of State. In case of consolidation such filing must be made with the Secretary of State before his certificate of incorporation shall issue to the new consolidated corporation."

Sec. 3. That section 442, chapter 7, title 11, of the Revised Statutes of Utah of 1898, be and the same is hereby amended so as to read as follows:

"442. **Railroad companies may lease lines not competitive.** Any railroad company organized or existing under the laws of this state may lease and operate any part or all of a railroad owned by any other company within or without this state; and any railroad company organized under the laws of the United States, or of any other state or territory, may lease and operate any part or all of the railroad owned by a company of this state; *provided*, that this section shall not be construed to permit any railroad company to lease or operate, in whole or in part, any parallel or competitive line situated within this state."

Sec. 4. This act shall take effect upon approval.

Approved this 18th day of January, 1901.

## CHAPTER 3.

## RAILROAD CORPORATIONS.

**AN ACT** to amend An Act entitled "An Act to provide for the formation of railroad corporations for the purpose of purchasing, owning, maintaining, operating and extending railroad lines, franchises, properties and appurtenances; authorizing the issue of bonds, making deeds of trust and mortgages, and defining the rights and powers of such corporations," approved January 22nd, 1897, to re-enact the same as so amended, and to confirm all acts and things done and performed as under said act.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That chapter 1 of the Laws of Utah of 1897, entitled, "An Act to provide for the formation of railroad corporations for the purpose of purchasing, owning, maintaining, operating and extending railroad lines, franchises, properties and appurtenances; authorizing the issue of bonds, making deeds of trust and mortgages, and defining the rights and powers of such corporations," approved January 22nd, 1897, be amended to read as follows, to-wit:

**Sec. 1. May be formed to buy other railroads. Powers of.** Railroad corporations may be formed for the purpose of buying, owning, maintaining, operating and further extending the railroad, rights, property and franchises of any railroad corporation or corporations whose lines of railroad are situated within this state or partly within and partly without this state which shall have been or may be sold under judicial proceedings or in the enforcement of mortgage liens, or at private sale, and the purchaser or purchasers at such sale or sales of such railroad, rights, property and franchises, or any part thereof, together with his or their associates or any number of persons not less than ten, may become a railroad corporation for the purpose aforesaid by filing articles of association in the office of the Secretary of State, which articles shall contain the name of the proposed corporation, the number of years which it is to continue, not exceeding fifty, the amount of capital stock, the termini of the road so purchased or to be purchased, and its length, and the states, territories and counties through which it passes, the number of directors, not less than five nor more than fifteen, and the names of those who shall serve as directors of the corporation for the first year and until their successors are chosen and qualified; and upon such filing of such articles of association, said corporation shall, without further act, be deemed and held to have been fully formed and created with the powers specified in such articles of association, provided they are not inconsistent with the terms of this act or of the constitution of this state.

**Sec. 2. Additional powers.** Such corporation shall have power to purchase, hold, enjoy, maintain and operate railroads, property, rights and franchises, or any part thereof, which shall have been or may be sold as aforesaid upon such terms as the directors may deem expedient, and to extend the said railroads with-

in and without this state, and to acquire by purchase or otherwise capital stock of any other railroad corporation whose lines are or may be within or without this state, and to issue from time to time capital stock to an amount not exceeding the amount authorized by and stated in the articles of association, and from time to time to issue bonds for such sum or sums and payable at such times and places, and drawing interest at such rate as the directors may deem proper, and to execute trust deeds or mortgages or both upon the whole or any part of the railroad lines, property, franchises, incomes and profits, then owned or thereafter acquired by such corporation situated within or partly within and partly without this state, to secure payment of such bonds and interest, and may use such bonds and stock or any part thereof in payment for the property purchased by such corporation, or the improvement or extension thereof upon such terms as the directors may deem expedient.

Sec. 3. **Id.** Such corporation shall in addition to the foregoing powers be vested with and be entitled to exercise and enjoy all powers, rights, privileges and franchises which at the time of sale belonged to or were vested in the corporation or corporations last owning the property sold, as well as all the rights, privileges and franchises of railroad corporations organized under the laws of this state, and except as herein otherwise provided shall be subject to all the duties and liabilities not inconsistent with the provisions of this act imposed by the laws of this state upon railroad corporations.

Sec. 4. **Id.** Any corporation formed under this act may construct or acquire by lease, purchase, consolidation, ownership of capital stock or otherwise, branches, extensions, cut-offs and connecting lines within or without this state, and, for such purposes or any of them, may from time to time create and issue its stock, execute bonds and mortgages, and make such contracts and do such acts as the directors shall deem necessary or expedient, provided such acts and contracts are not in violation of the constitution of the state; *provided, however*, that if the capital stock so issued shall together with the stock theretofore issued exceed the amount authorized by the original articles of association, amended articles of association, setting forth the amount of such excess, shall first be filed with the Secretary of State in like manner as provided in section one of this act.

Sec. 2. **Acts validated.** That said chapter be and the same is hereby re-enacted as so amended, and that all acts done and performed as under said chapter be and the same are hereby confirmed with the like effect as if the said chapter as so amended had been in full force and effect on and at all times since January 22nd, 1897.

Sec. 3. This act shall take effect upon approval.

Approved this 4th day of February, 1901.

CHAPTER 4. - *Repealed '03-p. 14*

## BURIAL OF DECEASED SOLDIERS.

AN ACT to provide for the burial of honorably discharged soldiers, sailors and marines of the United States who may hereafter die without leaving means sufficient to defray funeral expenses, and to provide headstones for their graves, and to relieve honorably discharged soldiers, sailors and marines from the payment of poll tax.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **County commissioners to cause certain soldiers who may die to be buried.** It shall be the duty of the county commissioners in each of the counties of the state to cause to be decently interred the body of any honorably discharged soldier, sailor or marine of the United States who may hereafter die without leaving sufficient means to defray funeral expenses.

Such burial shall not be made in that portion of any cemetery or burial ground used exclusively for the "pauper" dead. The expense of such burial shall not exceed the sum of \$70.00. In case the deceased should have relatives or friends who shall desire to conduct the funeral services, they shall be permitted to do so and the expense shall be paid as herein provided.

Sec. 2. **Grave to be marked.** The county commissioners shall see that the grave of such soldier, sailor or marine is marked by a headstone bearing the name of the deceased and the organization to which he belonged or in which he served in the army or navy: *provided*, that such headstone shall not cost more than the sum of \$30.00, and shall be of such design and material as may be approved by the board of county commissioners.

Sec. 3. **Expense to be paid by county.** The expense of such burial and headstone shall be paid by the county in which said soldier, sailor or marine died; but if such deceased person had a residence in any other county in this state than the one paying such expense, the county of his residence shall refund the money advanced to the county wherein he died.

Sec. 4. **How paid.** Expense of such burial and headstones shall be audited and paid as other accounts are audited and paid by the county.

Sec. 5. **Honorably discharged soldiers exempt from poll tax.** All honorably discharged soldiers, sailors or marines of the United States living in this state shall be exempt from the payment of poll tax.

Sec. 6. This act shall take effect upon approval.

Approved this 7th day of February, 1901.

LAWS OF UTAH.

CHAPTER 5.

PROCEEDINGS AGAINST CORPORATIONS.

**AN ACT** to amend section 5076 of the Revised Statutes of Utah, 1898, relating to proceedings against corporations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 5076 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

5076. **Prosecution by information or indictment.** If the magistrate's return shows that there is sufficient cause to believe the corporation guilty of the offense charged, the district attorney or grand jury must proceed thereon as in the case of a natural person held to answer.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of February, 1901.

---

CHAPTER 6.

FUGITIVES FROM JUSTICE.

**AN ACT** to amend sections 5109 and 5110 of the Revised Statutes of Utah, 1898, relating to notices to and duties of district attorneys in cases of extradition.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 5109 and 5110 of the Revised Statutes of Utah, 1898, be and the same are hereby amended to read as follows:

5109. **Notice to district attorney of arrest.** Immediately upon the arrest of the person charged, the magistrate must give notice to the district attorney.

5110. **Duty of district attorney.** The district attorney must immediately thereafter give notice to the executive authority of the state or territory or to the prosecuting attorney or presiding judge of the criminal court of the city or county therein having jurisdiction of the offense, to the end that a demand may be made for the arrest and surrender of the person charged.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of February, 1901.

## CHAPTER 7.

## GRAND JURY.

AN ACT to amend section 4720 of the Revised Statutes of Utah, 1898, relating to the powers and duties of the grand jury, to the powers and duties of the district attorney, and designating who may and who may not be present during sessions of the grand jury.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 4720 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

4720. Court and district attorney to advise jury. Exclusion of persons. The grand jury may, at all reasonable times, ask the advice of the court or the judge thereof, or of the district attorney, but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney or attorneys for the state may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever they or he shall think it necessary; but no other person shall be permitted to be present during the sessions of the grand jury, except the members, interpreters and witnesses actually under examination. and no person must be permitted to be present during the expression of their opinion or the giving of their votes upon any matter before them.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of February, 1901.

---

CHAPTER 8.

## NOTICE OF APPLICATION FOR BAIL.

AN ACT to amend section 4989 of the Revised Statutes of Utah, 1898, relating to notice of application for bail.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 4989 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

4989. Notice to district attorney of application for bail. When the admission to bail is a matter of discretion, the court or officer to whom the application shall be made must require reasonable notice thereof to be given to the district attorney.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of February, 1901.



## CHAPTER 9.

## DISMISSAL OF CRIMINAL ACTION.

AN ACT to amend section 5068 of the Revised Statutes of Utah, 1898, relating to dismissal of criminal actions in the district court, by the court or district attorney and requiring the reasons for such dismissal to be entered upon the minutes of the court.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 5068 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

5068. **Dismissal on motion of court or district attorney.** The court may, either of its own motion or upon the application of the district attorney, and in furtherance of justice, order an action, information or indictment to be dismissed. The reasons for the dismissal must be set forth in an order entered upon the minutes.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of February, 1901.

## CHAPTER 10.

## BENCH WARRANTS.

AN ACT to amend section 4909 of the Revised Statutes of Utah, 1898, relating to the application for a bench warrant by the district attorney and the issuance thereof by the clerk of the court.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 4909 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

4909. **Bench warrant. On application district attorney.** The clerk, on the application of the district attorney, may, at any time after the order, whether the court is sitting or not, issue a bench warrant into one or more counties.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of February, 1901.

## CHAPTER 11.

## TRANSFER OF REGISTRATION.

AN ACT amending section 812, of the Revised Statutes of Utah, of 1898, providing for the transfers of the names of registered electors, from one district to another, in the same precinct or city.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 812 of the Revised Statutes of Utah of 1898, be and the same is, hereby amended to read as follows:

812. **Transfers to another district.** Any registered elector, moving from one district to another within the same precinct (or city), prior to the day of the ensuing election, may apply to the registry agent before whom he has already been registered for that year, at any time prior to the day of election, and have his name taken off the official register and receive from the registry agent a certificate, to be called a registry certificate, over the signature of the registry agent, showing substantially that he was, on a certain day, duly registered in the official register of district No. .... in ..... precinct of the county of ....., Utah, and that his name has been erased at his own request, which certificate will entitle him to have his name registered at any time before the day of election, in the same manner as other names are registered, in any other district within the same precinct or city, for said election provided it satisfactorily appears to the registry agent receiving the certificate, and to whom application is made for the second registration, that the applicant is entitled to vote in that district at the next ensuing election.

Approved this 25th day of February, 1901.

## CHAPTER 12.

## SUBPŒNA.

AN ACT to amend section 5017 of the Revised Statutes of Utah, 1898, defining a subpoena and conferring upon certain officers the power to issue the same.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 5017 of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

5017. **Subpœna defined. Who may issue.** The process by which the attendance of witnesses before a court or magistrate is required, is a subpoena; it may be signed and issued by:

1. A magistrate before whom a complaint shall be made, for witnesses in the state, either on behalf of the state or of the defendant; or,

2. The county attorney or district attorney for witnesses in the state, in support of the prosecution, or for such other witnesses as the grand jury, upon an investigation pending before them, may direct; or,

3. The county attorney or district attorney for witnesses in the state in support of an information or indictment, to appear before the court in which it is to be tried; or,

4. The clerk of the court in which an information or indictment is to be tried; and he must, at any time, upon application of the defendant, and without charge, issue as many blank subpoenas, subscribed by him as clerk, for witnesses in the state, as the defendant may require.

Sec. 2. This act shall take effect upon approval.

Approved this 25th day of February, 1901.

---

## CHAPTER 13.

### CONDITIONAL EXAMINATION OF WITNESSES.

AN ACT to amend section 5031 of the Revised Statutes of Utah, 1898, relating to the conditional examination of witnesses.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 5031 of the Revised Statutes of Utah 1898 be and the same is hereby amended to read as follows:

5031. **When order granted. Service on district attorney.** If the court or judge is satisfied that the examination of witnesses is necessary, an order must be made that the witness be examined conditionally, at a specified time and place, and that a copy of the order be served on the district attorney, within a specified time before that fixed for the examination.

Sec. 2. This act shall take effect upon approval.

Approved this 25th day of February, 1901.

---

## CHAPTER 14.

### NOTICE OF MOTION.

AN ACT to amend section 3325, Revised Statutes of Utah, 1898, relating to time and manner of service of notice of motion and testimony upon the hearing of the motion.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3325, of the Revised Statutes of Utah, 1898, be, and the same is hereby, amended to read as follows:

3325. **Five days' notice of motion. Exceptions.** When a written notice of a motion is required by this code, or by a rule of the supreme or district court, it must be given, if the court be held in

the same county with both parties. five days before the time appointed for the hearing; otherwise, ten days. When the notice is served by mail, the number of days before the hearing must be increased one day for every twenty-five miles of distance between the place of deposit and the place of service; such increase, however, not to exceed in all thirty days; but in all cases the court, or a judge thereof, may prescribe a shorter time. Testimony to sustain or resist a motion may be in the form of affidavits, or in such other form as the parties may agree on or the court or judge direct. If by affidavit, the person making the same may be required to appear by the court or judge and submit to cross-examination upon the matters contained in his affidavit. On failure to submit to such cross-examination, the court, in its discretion, may strike out the affidavit of such witness, and take such other measures as it may deem proper.

Approved this 25th day of February, 1901.

---

## CHAPTER 15.

### POLL TAX.

AN ACT to amend sections 1137 and 1744 of the Revised Statutes of Utah, 1898, relating to duties and powers of road supervisors, and the time for collecting of poll tax.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 1137 and 1744 of the Revised Statutes of Utah, 1898, are hereby amended to read as follows:

**1137. Appointment of Supervisors. Duties and Powers.** Road supervisors, under the direction and supervision of the board of county commissioners must:

1. Take charge of the public highways within their respective district.

2. Keep them clear of obstructions and in good repair.

3. Cause banks to be graded, bridges and causeways to be made where necessary, and keep the same in repair and renew them when necessary.

4. Give not less than two days' notice to the inhabitants of their respective districts, liable to do work on roads, stating when, where, with what implement, and under whose direction to work.

5. Collect the annual poll tax and direct and superintend the expenditure of that portion of the tax paid in labor.

6. Make to the board of county commissioners, on or before the third Monday in December of each year, a written report showing:

First—The name of each person assessed for poll tax in his district.

Second—The name of each person who has paid his tax in labor and the amount paid.

Third—The name of each person who has paid his tax in money, and the amount paid.

Fourth—The amount of tax collected by suit, and the name of the delinquent.

Fifth—The amount of uncollected tax, the name of each delinquent and the cause why such tax remains uncollected in each instance.

Sixth—The amount and kind of labor expended in his district, and the places where such labor was performed.

Seventh—A general description of the condition of the public highways in his district.

Eighth—An accurate account of the time he himself was employed and the nature and items of the service rendered.

1744. **Collection by supervisor.** Notice, labor, receipt. The road supervisor of each road district shall, between the first day of January and the thirtieth day of November of each year, give at least two days' notice of the day or days and the place to work the roads to each person subject to road poll tax in his district, such notice to be given personally or in writing, and all persons so notified must meet him at such time and place, with such tools and implements as he may direct, and labor diligently under his direction for eight hours each day, and for such two days' labor the supervisor shall give to him a certificate which shall be evidence that he has performed such labor upon the public roads, and shall exempt him from performing labor in payment of road poll tax in that or any other road district for the same year.

When a team shall be used by any person in doing such work on the roads, he shall be allowed a reasonable sum, to be applied on his poll tax, for the use of the same. The road supervisor shall give to any person who may perform labor in payment of his road tax a receipt showing the amount of money earned by such labor, which shall be evidence of the payment of such tax in the amounts specified in the receipt.

Sec. 2. This act shall take effect upon approval.

Approved this 26th day of Feby., 1901.

---

## CHAPTER 16.

### BANKING CORPORATIONS.

**AN ACT** amending section 380, Revised Statutes of Utah, 1898, and limiting the total liability to banking corporations of any person, company, corporation or firm for money borrowed.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 380, Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

380. **Loans to individuals. Limits.** The total liability to any banking corporation of any person or any company, corporation, or firm, for money borrowed, including in the liabilities of the company or firm the liabilities of the several members thereof, shall at no time exceed fifteen per cent of the amount of the capital stock

paid in and of the surplus earned and set aside as the surplus fund of such bank; but the discount of bills of exchange drawn in good faith against existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be construed as borrowed money.

Sec. 2. This act shall take effect upon approval.

Approved this 27th day of Feby., 1901.

---

## CHAPTER 17.

### SCHOOL DISTRICT BONDS.

**AN ACT** to amend sections 1884 and 1885, Revised Statutes of Utah, 1898, relating to the bonding of school districts, and prescribing the denomination of such bonds, the maximum rate of interest on the same, the maximum amount of such bonds in any district, and prescribing the form of such bonds and the manner of voting, issuing and registering the same.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 1884 and 1885, chapter 14, title 55, Revised Statutes of Utah, 1898, be and the same are hereby amended to read as follows:

**1884. Denomination of bonds. Interest. Limitation of bonded indebtedness.** The denomination of the bonds which may be issued under the provisions of this chapter shall be fifty dollars or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent per annum, payable semi-annually, in accordance with interest coupons which shall be attached to said bonds. The amount of said bonds, including existing indebtedness, shall not exceed four per centum of the value of the taxable property in any school district, the value to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, and such bonds shall be made payable not more than twenty years from their date. The trustees may reserve the right to redeem such bonds or any of them at any time after five years from their issue.

**1885. Statement to county auditor. Form of bonds. Registration.** Whenever any school district has voted to issue bonds, the trustees of such district shall immediately file with the county auditor of the county in which the school district is situated a certified copy of the order of the trustees authorizing such meeting to be called and held, and also certified copies of the notices posted calling such meeting, together with an affidavit showing when and where said notices were posted, and that they were posted as required by law and the order of the trustees. The trustees shall also file with said auditor a statement showing the value of taxable property in the district, and that the amount of bonds proposed to be issued does not exceed the proper per cent of the value of taxable property in the district, which statement shall be subscribed and sworn to by the trustees. The statement shall also bear the indorsement of the county superintendent of district schools, that the

meeting was lawfully called and held, and the voting of the qualified taxpayers, the canvass of votes cast, and all matters in relation to the proposed issue of bonds in said school district were lawfully conducted, and that such bonds may be lawfully issued. Whenever any bonds are issued under the provisions of this chapter, they shall be lithographed or printed on bond paper, and shall state upon their face the date of their issue, the amount of the bond, to whom and for what purpose issued, the time and place of payment, and the rate of interest to be paid. They shall have printed on the margin the words "Authorized by act of the Legislature of the State of Utah, A. D. eighteen hundred and ninety-seven, and all supplemental and amendatory acts," and upon the back of the bonds shall be printed a certificate signed by the county auditor in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limit permitted by the statutes of the state of Utah, and in accordance with the vote of the qualified taxpayers of ..... school district of ..... county, state of Utah at a regular (or special) meeting held on the ..... day of ....., A. D. ...., to issue bonds to the amount of ..... dollars." They shall be signed by the chairman and the clerk of the board of trustees of the school district, and shall be registered and numbered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date, denomination, name of the person to whom issued, and the date, when the same shall become due.

Sec. 2. This act shall take effect upon approval.

Approved this 2nd day of March, 1901.

## CHAPTER 18.

### COMPULSORY VACCINATION.

AN ACT to prevent compulsory vaccination and to prevent vaccination being made a condition precedent to entering the public schools of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Unlawful to compel vaccination.** That hereafter it shall be unlawful for any board of health, board of education, or any other public board, acting in this state under police regulations or otherwise, to compel by resolution, order or proceedings of any kind, the vaccination of any child, or person of any age; or making vaccination a condition precedent to the attendance at any public or private school in the state of Utah, either as pupil or teacher.

Sec. 2. This act shall take effect upon approval.

[NOTE.—The within act having been returned by his excellency, the Governor, to the House, that being the house in which it originated, without his approval, with his objections thereto, and the House having entered at large his objections upon its journal, proceeded to reconsider the bill and thereupon the said bill passed both houses by a yea and nay vote of two-thirds of the members elected to each house was deposited and filed in the office of the Secretary of State of the state of Utah this second day of March, A. D. 1901.]

## CHAPTER 19.

## CIVIL ACTIONS.

AN ACT providing for the place of trial of civil actions arising without the State.

*Be it enacted by the Legislature of the State of Utah:*

*amended 03*  
*5-76*  
SECTION 1. Cause of action arising without state, where tried. All causes of action arising without the state may be tried in any county in the state, subject, however, to the power of the court to change the place of trial as provided by law.

Approved this 5th day of March, 1901.

## CHAPTER 20.

## EXECUTION FROM JUSTICES' COURTS.

AN ACT to amend section 3737 of the Revised Statutes of Utah, 1898, relating to executions, and limiting the time within which executions may be issued on judgments of justices' courts.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3737 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

3737. Execution issued within eight years. Execution for the enforcement of a judgment of a justice's court may be issued on the application of the party entitled thereto at any time within eight years from the entry of the judgment.

Approved this 5th day of March, 1901.

## CHAPTER 21.

## LIEN OF JUDGMENT IN JUSTICE'S COURT.

AN ACT to amend section 3736 of the Revised Statutes of Utah, 1898, relating to judgment liens, and making judgments rendered in a justice's court, liens upon lands of defendants in civil actions in certain cases, and fixing the time during which such liens shall continue.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3736 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

3736. Judgment a lien only when docketed in district court. A judgment rendered in a justice's court creates no lien upon any lands of the judgment debtor, unless such an abstract is filed and docketed in the office of the clerk of the district court of the county



in which the lands are situated; and when so filed and docketed, such judgment is a lien upon the real property of the judgment debtor, not exempt from execution, situated in that county, for the period of eight years from the date of the judgment, unless the judgment be previously satisfied.

Approved this 5th day of March, 1901.

---

## CHAPTER 22.

### EXECUTION ON JUDGMENTS FROM JUSTICES' COURTS.

AN ACT to amend section 3735 of the Revised Statutes of Utah, 1898, and providing for the issuance of executions from district courts in certain cases upon judgments rendered in justices' courts.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3735 of the Revised Statutes of Utah of 1898, be and the same is hereby amended to read as follows:

3735. **Execution issued from district court.** From the time of the docketing in the office of the clerk of any district court, execution may be issued thereon within the same time, in the same manner and with like effect as if issued on a judgment of the district court.

Approved this 5th day of March, 1901.

---

## CHAPTER 23.

### CHANGE OF PLACE OF TRIAL.

AN ACT to repeal sections 2932 and 2933 and to amend section 2934 of the Revised Statutes of Utah, 1898, relating to place of trial, and providing for a change of the place of trial, of civil actions in certain cases.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 2932 and 2933 of the Revised Statutes of Utah, 1898, are hereby repealed,

Sec. 2. That section 2934 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

2934. **Change of venue. Grounds.** The court may on motion, change the place of trial in the following cases:

1. When there is reason to believe that an impartial trial cannot be had in the county designated in the complaint.

2. When the convenience of witnesses and the ends of justice would be promoted by the change.

3. When from any cause the judge is disqualified from acting; *provided, however*, that the court in its discretion may either grant the motion to change the place of trial for the cause stated in this subdivision, or may call in another district judge not disqualified to try the case.

4. When all the parties to an action, by stipulation or by consent in open court, entered in the minutes, may agree that the place of trial may be changed to any county in the state. Thereupon the court must order the change as agreed upon.

Approved this 5th day of March, 1901.

---

## CHAPTER 24.

### SUPERINTENDENT OF PUBLIC INSTRUCTION.

**AN ACT** amending section 1780, of the Revised Statutes of Utah, 1898, and regulating the payment of the salary and expenses of the State Superintendent of Public Instruction and requiring him to deliver the books and other articles pertaining to his office to his successor.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1780 of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

**1780. Quarterly expense account of State Superintendent. Books, etc., to successor.** At the end of each month he shall file with the state board of examiners an itemized account of his expenses verified by his oath. The said board shall examine the same, and, if the account is found to be correct and the expenditures necessary, shall certify the same to the State Auditor, who shall issue a warrant to the State Treasurer for the amount due on such account, and at the end of each quarter year, for one-fourth of the Superintendent's annual salary, and shall charge the same to the state district school fund. At the expiration of his term of office he shall deliver to his successor, all books, records, documents, maps, reports, papers and other articles pertaining to his office.

Sec. 2. This act shall take effect upon approval.

Approved this 5th day of March, 1901.

## CHAPTER 25.

## EMINENT DOMAIN.

An Act amending section 3588 of the Revised Statutes of Utah, 1898, providing for the uses in which the right of eminent domain may be exercised.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3583, of Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

3588. **Exercised in behalf of what uses.** Subject to the provisions of chapter 65, Revised Statutes, 1898, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the government of the United States.

2. Public buildings and grounds for the use of the state, and all other public uses authorized by the Legislature.

3. Public buildings and grounds for the use of any county, incorporated city or town, or school district; reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county, or incorporated city or town, or for draining any county, or incorporated city or town; for raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; for roads, streets, and alleys, and all other public uses for the benefit of any county, incorporated city or town, or the inhabitants thereof.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank and turnpike roads, roads for transportation by traction engines or road locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

5. Reservoirs, dams, water-gates, canals, ditches, flumes, tunnels, aqueducts, and pipes for supplying persons, mines, mills, smelters, or other works for the reduction of ores, with water for domestic or other uses, or for irrigating purposes, or for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

6. Roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places to facilitate the milling, smelting, or other reduction of ores, or the working of mines; outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters or other works for the reduction of ores, or from mines; mill dams; natural gas or oil pipe lines, tanks, or reservoirs; also an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, of any place for the flow, deposit or conduct of tailings or refuse matter.

7. By-roads leading from highways to residences and farms.

8. Telegraph, telephone, electric light, and electric power lines, and sites for electric light and power plants.

9. Sewerage of any city, or town, or of any settlement of not less than ten families; or of any public building belonging to the state, or of any college or university.

10. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for power, light, or heat.

11. Cemeteries or public parks.

12. Pipe lines for the purpose of conducting any and all liquids connected with the manufacture of beet sugar.

Approved this 5th day of March, 1901.

---

## CHAPTER 26.

### RAILROAD CORPORATIONS.

AN ACT to codify and revise certain laws of this state providing for the formation of corporations for the purpose of purchasing, constructing, acquiring, owning, maintaining, operating or extending railroad lines, franchises, properties and appurtenances, authorizing the issue by such corporations of stocks and bonds and other securities, and the making of deeds of trust, mortgages, and defining certain rights and powers of such corporations; and to repeal the following named acts and parts of acts, namely: Chapter 1, Laws of Utah, 1899; chapter 17, Laws of Utah, 1899; Chapter 2, Laws of Utah, 1901; chapter 3, Laws of Utah, 1901; sections 431, 432, 433, 435 and 442 of the Revised Statutes of Utah, 1898.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Formation, rights and duties of railroad corporations.** Corporations, for the purpose of constructing, owning, operating and maintaining railroads, within or partly within and partly without or wholly without this state, or union railroad depots, with terminal tracks, connections and facilities, may be incorporated to exist for any term of years, not less than five years nor more than one hundred years, under the provisions of law respecting corporations for pecuniary profit, and all the rights, privileges and powers, and all the duties and obligations of such corporations, and the officers and stockholders thereof, and respecting the assessment of the capital stock thereof, shall be as provided by law respecting corporations for pecuniary profit, except as in this act otherwise provided.

**Sec. 2. Contents of articles.** The articles of incorporation shall include an estimate of the cost of construction and equipment of any railroad to be constructed, the kind of power to be used, the names of the places between which and of the counties through or into which it is proposed to construct such railroad, and, as near as may be, its length; nor shall the certificate of incorporation issue

until it shall appear to the Secretary of State by affidavit of at least three of the incorporators that one thousand dollars for each mile in length of the proposed railroad shall have been subscribed, and that ten per cent of the stock subscribed by each stockholder has been paid in.

**Sec. 3. Railroad corporations may sell property and franchises.**

**Exception.** Any corporation owning any railroad line in this state may sell, convey and transfer its property and franchises, or any part thereof, to any railroad corporation (not owning any competitive line in this state) whether organized under the laws of this state, or any other state or territory, or of any act of Congress, and any railroad corporation receiving such conveyance may hold and operate such railroad, franchises and property within this state, and build and operate extensions or branches thereof, and for that purpose may exercise the power of eminent domain, and do any other business in connection therewith as fully and effectually to all intents and purposes as if such corporation were organized under the laws of this state, *provided*, that such purchasing corporation shall comply with all the laws of the state of Utah relative to railroad corporations not in conflict herewith.

**Sec. 4. May be formed to buy other railroads.** Railroad corporations may be formed pursuant to the laws of this state, for the purpose of buying, owning, maintaining, operating and further extending the railroad, rights, property and franchises of any corporation or corporations whose lines of railroad are situated within or without this state, or partly within and partly without this state, which shall have been or may be sold under judicial proceedings, or in the enforcement of mortgage liens, or at private sale; and the purchaser or purchasers at such sale or sales of such railroad rights, property and franchises, or any part thereof, together with his or their associates, or any number of persons not less than ten, may become a railroad corporation for the purpose aforesaid, by filing articles of association in the office of the Secretary of State, which articles shall contain the name of the proposed corporation, the number of years it is to continue, not exceeding one hundred, the amount of capital stock, the termini of the road so purchased or to be purchased, and its length, and the states, territories and counties through which it passes, the number of directors not less than five nor more than fifteen, and the names of those who shall serve as directors of the corporation for the first year and until their successors are chosen and qualified; and upon such filing of such articles of association said corporation shall, without further act, be deemed and held to have been fully formed and created with the powers specified in such articles of association, provided they are not inconsistent with the terms of this act or of the constitution of this state. Such purchasing corporation shall in addition to the foregoing powers be vested with and be entitled to exercise and enjoy all the powers, rights, privileges and franchises which at the time of sale belonged to or were vested in the corporation or corporations last owning the properties sold, not inconsistent with the laws and con-

stitution of this state, as well as all the rights, privileges and franchises of railroad corporations organized under the laws of this state, and except as herein otherwise provided shall be subject to all the duties and liabilities not inconsistent with the provisions of this act, imposed by the laws of this state upon railroad corporations, and shall have power to purchase, hold, enjoy, maintain and operate the railroads, property, rights and franchises, or any part thereof, which shall have been or may be sold as aforesaid upon such terms as the directors may deem expedient, and to extend the said railroads, within and without this state, and shall have power to construct or acquire by lease, purchase, consolidation, ownership of capital stock, or otherwise, branches, extensions, cut-offs and connecting lines, within or without this state, and may make such contracts and do such acts as the directors shall deem necessary or expedient, provided such acts and contracts are not in violation of the constitution of the state, and may from time to time create and issue capital stock to an amount not exceeding the amount authorized by and stated in the articles of association, or any amendment or amendments thereof made by authority of its directors or stockholders as provided by law, and from time to time to issue bonds for such sum or sums, and payable at such times and places, and drawing interest at such rate as the directors may deem proper, and to execute trust deeds or mortgages or both, upon the whole or any part of the railroad lines, branches, branch lines, extensions, cut-offs, and connecting lines, property, franchises, incomes and profits then owned or thereafter acquired by such corporation, and situated within or without, or partly within and partly without this state, to secure the payment of such bonds and interest, and may use such bonds or stocks, or any part thereof, in payment for the property purchased, constructed, acquired or taken by or for such corporation, or for any improvement or extension thereof, or any part of it, upon such terms as the directors may deem expedient.

**Sec. 5. May purchase or guarantee stock and bonds of other roads.** Railroad corporations organized under the laws of Utah shall have power to purchase or otherwise lawfully acquire the capital stock, or any part of the capital stock, of any other corporation owning, leasing or operating railroad lines which are or may be within or without this state, or partly within and partly without the same, and railroad corporations organized under the laws of Utah and having already constructed or acquired a line or lines of railroad in this state, may purchase or otherwise lawfully acquire the railroad, property and franchises, and the capital stock or any part of the capital stock, and the bonds and other obligations, or any part thereof, or may guarantee the stocks, bonds or obligations of any corporation owning, leasing or operating railroad lines within this state, or partly within and partly without the same, or wholly without this state, which connect with the line of railroad of such corporation of this state either by means of actual union of track or through the medium of any bridge, ferry or line of railroad leased, operated or otherwise controlled by either of said corporations. And any railroad corporation organized under the laws of this state

that shall have heretofore increased, or shall hereafter increase the amount of the capital stock specified in its original or amended articles of association, may receive subscriptions for such increase of stock on such terms as the board of directors or a majority of the stockholders shall authorize, payable in shares of the capital stock or in bonds or other obligations of any other corporation of this or any other state whose capital stock, bonds or other obligations are hereby authorized to be purchased or acquired by such corporations of this state; provided, that the stocks, bonds or obligations of such other corporation to be received in payment and exchange for the stock so subscribed for, shall be of a par value at least equal to the par amount of the stock subscribed for, or of an actual or market value equal in the opinion of the board of directors to that of the stock so subscribed for and issued, and such stock so issued shall for all purposes be deemed fully paid and non-assessable; and provided further, that these privileges shall not be construed to permit any railroad corporation of this state to consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

**Sec. 6. May consolidate with other roads.** It shall be lawful for any railroad company organized or existing under the laws of this state to merge or to consolidate with any other railroad company or companies organized or existing under the laws of this or any other state or territory, or of the United States; *provided* that the lines of such companies shall not be competing but shall be substantially continuous or connective, either by means of actual union of track or through the medium of any bridge, ferry or line of railroad leased, operated or otherwise controlled by any or either of said corporations or which any such corporation shall have the right by contract or otherwise to use or operate. The agreement of merger or consolidation, as the case may be, shall specify whether there shall be a merger of one or more such companies into another without the creation of a new corporation, or a consolidation forming a new consolidated corporation. The agreement shall be ratified by the stockholders of any such corporation of this state at any annual or general meeting, or at any special meeting called for that purpose. It shall also be ratified by the stockholders of any such foreign corporation in the manner prescribed by the laws, if any there be, of the jurisdiction where such corporation was organized. The affidavit of the president and secretary of any such domestic or foreign corporation showing that such agreement has been ratified by stockholders, or that such foreign laws have been fully complied with, shall be filed with the Secretary of State. In case of consolidation such filing must be made with the Secretary of State before his certificate of incorporation shall issue to the new consolidated corporation.

**Sec. 7. May lease non-competitive roads.** Any railroad company organized or existing under the laws of this state may lease and operate any part or all of a railroad owned by any other company within or without this state; and any railroad company organized

under the laws of the United States, or of any other state or territory, may lease and operate any part or all of the railroad owned by a company of this state; *provided*, that this section shall not be construed to permit any railroad company to lease or operate, in whole or in part, any competing line situated within this state.

**Sec. 8. Powers and duties of railroad corporations.** Railroad corporations organized or existing or hereafter organized and existing under the laws of this state shall be subject to all the duties imposed by the terms of this act, and shall have and possess all the powers and privileges conferred by this act as well as the powers and privileges conferred by the laws under which said corporations were organized, or which are contained in their articles of incorporation.

**Sec. 9. May relocate lines.** Any railroad corporation organized under this act, or any law of the state of Utah, shall have power to lay out, locate, relocate, construct, reconstruct, furnish, maintain, operate and enjoy a railroad, and any branch or branches thereof, and any new line or lines to which it may desire to change or relocate any portion of its existing railroad with single or double tracks, its turnouts, offices and depots, as shall be found necessary and convenient between the places of termini of said road or branch or branches of said changed road.

**Sec. 10. Repealing clause.** The following acts and parts of acts of the Legislature of this state, to wit:

Chapter 1 of the Laws of Utah, 1899, entitled "An Act to amend section 433, chapter 7, title 11, of the Revised Statutes of Utah, 1898, providing for formation and powers of railroad corporations," approved January 17, 1899.

Chapter 17 of the Laws of Utah, 1899, entitled "An Act authorizing any corporation owning any railroad in this state to sell and convey its property and franchises or any part thereof, to any other railroad corporation organized under the laws of this state, or of any other state or territory, or the United States, and defining the powers of such purchasing corporation," approved March 6, 1899.

Chapter 2, of the Laws of Utah, 1901, entitled "An Act to amend section 433, chapter 7, title 11, of Revised Statutes of Utah of 1898, as amended by an act approved January 17, 1899, chapter 1 of the Laws of the State of Utah passed at the third regular session of the Legislature, 1899, and sections 435 and 442 of said chapter 7, title 11, of the Revised Statutes of Utah of 1898, providing for formation and powers of railroad corporations," approved January 18, 1901.

Chapter 3, of the Laws of Utah, 1901, entitled "An Act to amend an act entitled 'An Act to provide for the formation of railroad corporations for the purpose of purchasing, owning, maintaining, operating and extending railroad lines, franchises, properties and appurtenances, authorizing the issue of bonds, making deeds of trust and mortgages, and defining the rights and powers of such corporations,' approved January 22, 1897, to re-enact the same as so amended, and to confirm all acts and things done and performed as under said act," approved February 4, 1901.



Sections 431, 432, 433, 435 and 442 of chapter 7, title 11, of the Revised Statutes of Utah of 1898.

Be and the same are hereby repealed; *provided, however*, that all rights accrued under any or all of the said several acts or parts of acts in this section mentioned are hereby confirmed, and all acts done and performed as under the same or any thereof, are hereby confirmed with like effect as if each of said acts and parts of acts had been in full force and effect at all times since the same were severally passed.

Sec. 11. This act shall take effect upon approval.

Approved this 7th day of March, 1901.

---

## CHAPTER 27.

### APPEALS TO SUPREME COURT.

AN ACT to amend section 3304 of the Revised Statutes of Utah, 1898, relative to appeals to the supreme court.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3304, of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

3304. **What may be reviewed on appeal.** Upon an appeal from a judgment, all orders, rulings and decisions in the action or proceeding to which exceptions have been taken in the court below, or which are deemed excepted to as provided by this code, are before the supreme court for review, and in equity cases any question of fact, shall be reviewable by the supreme court without a motion for a new trial, and in all cases at law tried before the court without a jury, all questions of errors in findings of fact and conclusions of law legally reviewable by the supreme court, shall be before the supreme court for review without a motion for a new trial, and either party to the appeal may assign any errors in findings of fact or conclusions of law, or that any findings of fact by the court are not supported by evidence, on appeal to the supreme court, without filing a motion for a new trial in the court below; *provided* that this act shall apply to appeals hereafter taken, in all cases herein provided.

Approved this 8th day of March, 1901.

## CHAPTER 28.

## INFORMATION.

AN ACT to amend sections 4606, 4692, 4693, 4731 and 4771 of the Revised Statutes of Utah, 1898, and defining an information, defining certain duties of district attorneys, prescribing the form of an information or indictment, and designating the grounds upon which an information must be set aside.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 4606, 4692, 4693, 4731 and 4771 of the Revised Statutes of Utah, 1898, be, and the same are hereby amended to read as follows:

**4606. Information defined.** An information is an accusation in writing in form and substance like an indictment for the same offense charging a person with a public offense, presented and signed by the district attorney, or by the attorney pro tem. for the state, and filed in the office of the clerk of the district court.

**4692. To be filed within thirty days after commitment.** When a defendant has been examined and committed as provided in this code, it shall be the duty of the district attorney within thirty days thereafter to file in the district court of the county in which the offense is triable, an information charging the defendant with the offense for which he is held to answer, or any other offense disclosed by the testimony, whether it be the offense charged in the complaint on which the examination was held or not. If the district attorney fails to file the information within the time specified, he shall be deemed guilty of contempt, and may be prosecuted for neglect of duty, as in other cases.

**4693. When information is not filed.** If the district attorney determines that an information ought not to be filed in any such case, he must make, subscribe and file with the clerk of the district court of the county, a statement in writing setting forth his reasons in fact and in law for not filing such information, and such statement must be filed during the term of court at which the defendant is held to appear for trial. The court must thereupon examine such statement, together with the evidence filed in the case, and if, upon such examination, the court is not satisfied with such statement, the district attorney must be directed and required by the court to file the proper information and bring the case to trial. But if the court does not require that information to be filed, and the defendant is not held or wanted to answer for any other public offense, he shall be discharged, his bail exonerated and his money refunded to him.

**4731. Form of information.** It may be substantially in the following form:

The state of Utah against A. B. In the district court of the ..... district, in and for the county of ....., the ..... day of ....., A. D. 190....., A. B. is accused by the grand jury of

the county of..... by this indictment (or by the district attorney by this information), of the crime of (giving its legal appellation, such as murder, arson or the like, or designating it as a felony or misdemeanor), committed as follows: Said A. B. on the.....day of ..... A. D. 190 ....., at the county of..... (here set forth the act or omission charged as an offense), contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Utah.

**4771. When information must be set aside.** The information must be set aside by the court in which defendant is arraigned, upon his motion, in any of the following cases:

1. When it fails to recite that the defendant had theretofore been duly committed by a magistrate.
2. When the names of the witnesses testifying on the part of the state, in such examination are not endorsed thereon.
3. When it is not signed by the district attorney or by the attorney pro tem. for the state.

Sec. 2. This act shall take effect upon approval.

Approved this 7th day of March, 1901.

## CHAPTER 29.

### LAND IN LIEU OF UNSURVEYED SCHOOL LAND.

**AN ACT** to relinquish to the United States the unsurveyed school land of this state in lieu of a grant of land of equal area to be made by the United States to the state.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Unsurveyed school land relinquished conditionally.** The state of Utah hereby relinquishes and surrenders to the United States of America all its claim and title to the second, sixteenth, thirty-second and thirty-sixth sections in the state of Utah, heretofore granted by the United States, as remain unsurveyed by the United States, at the date of the passage of an act by Congress, that may hereafter be enacted, granting to the state of Utah land equal in area to the land hereby relinquished, such grant to be in lieu of the land hereby relinquished. This relinquishment is made upon the express condition that the United States shall grant to the state of Utah land equal in area to the sections two, sixteen, thirty-two and thirty-six, as remain unsurveyed at the time of such grant, the state to have the right to select the land so granted in the smallest legal subdivisions.

Approved this 12th day of March, 1901.

## CHAPTER 30.

## COUNTY COMMISSIONERS.

AN ACT to amend section 496 of the Revised Statutes of Utah, 1898, providing for the election and term of office of county commissioners.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 496 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

496. **When elected.** County commissioners shall be elected in each county at the general election held in the year nineteen hundred and two, as follows: One for a term of four years and two for a term of two years, and every two years thereafter there shall be elected in each county two commissioners, one for a term of four years and one for a term of two years, and shall hold office for the term for which each has been elected and until their successors are elected and have qualified. They shall take office on the first Monday in January next following their election.

Approved this 12th day of March, 1901.

## CHAPTER 31.

## PROPERTY EXEMPT FROM EXECUTION.

AN ACT to amend section 3245 of the Revised Statutes of Utah, 1898, as amended by chapter 66 of the Laws of Utah, 1899, relating to property exempt from execution.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3245 of the Revised Statutes of Utah, 1898, as amended by chapter 66 of the Laws of Utah, 1899, be, and the same is hereby amended to read as follows:

3245. **Property exempt from execution.** The following property is exempt from execution, except as herein otherwise specially provided:

1. Chairs, tables and desks, to the value of two hundred dollars, and the library belonging to the judgment debtor, also musical instruments in actual use in the family.

2. Necessary household, table and kitchen furniture belonging to the judgment debtor, to the value of three hundred dollars; also one sewing machine, all family hanging pictures, oil paintings and drawings, portraits and their necessary frames; all carpets in use; provisions actually provided for individual or family use sufficient for three months; two cows, with their sucking calves; two hogs,

## LAWS OF UTAH.

with all sucking pigs; all wearing apparel of every person or family; also all beds or bedding of every person or family; provided, that if the judgment debtor be the head of a family consisting of five or more members, there shall be a further exemption of two cows and their sucking calves.

3. The farming utensils or implements of husbandry of a farmer not exceeding in value the sum of three hundred dollars; also two oxen, or two horses, or two mules and their harness, one cart or wagon; also all seed, grain, or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; crops, whether growing or harvested, and the proceeds thereof, not exceeding in value two hundred dollars.

4. The tools, tool chest, and implements of a mechanic or artisan, necessary to carry on his trade, not exceeding in value the sum of five hundred dollars; the notarial seal and records of a notary public; the instruments and chests of a surgeon, physician, surveyor and dentist, necessary to the exercise of their professions, with their scientific and professional libraries, and the law professional libraries and office furniture of attorneys, counselors and judges, and the libraries of ministers of the gospel, and the typewriting machine of a stenographer, typewritist, copyist and reporter; and the type, presses, and material of a printer or publisher necessary in the pursuit of his business, not exceeding in value the sum of five hundred dollars.

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also his sluices, pipes, hose, windlass, derrick, cars, pumps and tools not exceeding in value five hundred dollars.

6. Two oxen, two horses, or two mules, and their harness; and a cart and wagon, one dray or truck, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns his living; and one horse, with vehicle and harness, or other equipments, used by a physician, surgeon or minister of the gospel, in making his professional visits.

7. One-half of the earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or levy of attachment by garnishment or otherwise, when it appears by the debtor's affidavit that he is a married man, or head of family, and that such earnings are necessary for the use of his family, residing in this state, supported wholly or in part by his labor; *provided*, that when the earnings are two dollars a day or less, such married man or head of family shall be entitled to an exemption of \$30 per month; *provided*, that in no case shall the judgment debtor be taxed with the costs of any proceeding to obtain by levy of execution or otherwise, any part of the earnings of such judgment debtor, for personal services rendered within thirty days next preceding the levy of such execution.

8. All money, benefits, privileges or immunities accruing, or in any manner growing out of any life insurance on the life of the

debtor, if the annual premiums paid do not exceed five hundred dollars.

9. All arms, ammunition, uniforms and accoutrements required by law to be kept by any person.

10. All courthouses, jails, public offices and buildings, school-houses, houses of public worship, lots, grounds and personal property appertaining thereto; the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county in this state, or for the use of schools or houses of public worship; and all cemeteries, public squares, parks and places, public buildings, town halls, public markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company, now existing, or which may be under the laws of this state hereafter organized.

11. A homestead selected or claimed as provided in the title "Homesteads" of the Revised Statutes of Utah, 1898.

Approved this 13th day of March, 1901.

---

## CHAPTER 32.

### FUNDING OF COUNTY INDEBTEDNESS.

AN ACT to amend section 514 of the Revised Statutes of Utah, 1898, relating to the funding of county indebtedness.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 514 of the Revised Statutes, 1898, be, and the same is hereby amended to read as follows, to-wit:

514. County debts existing June 4th, 1896. The board of county commissioners of any county having an outstanding indebtedness on the fourth day of June, eighteen hundred and ninety-six, evidenced by bonds, warrants, promissory notes or other evidences thereof, provided that such indebtedness is not in excess of that authorized by law, by an affirmative vote of all the members thereof, is empowered to fund and refund the same, and to issue bonds of the county therefor, in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing interest at a rate not to exceed five per cent per annum, payable semi-annually, which bonds shall be substantially in the following form:

No. .... The county of ....., in the state of Utah, for value received, promises to pay ..... or order, at the office of the treasurer of said county, in ....., on the first day of .....,

..... hundred and ..... (twenty years after date), or at any time before that date and after ..... (ten years after date), at the pleasure of the county, the sum of ..... dollars, lawful money of the United States, with interest at the rate of ..... per cent. per annum, payable at the office of said treasurer semi-annually, on the first day of ..... and ..... in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the board of county commissioners, in conformity to a resolution of said board, dated the ..... day of ....., ..... hundred and ....., and under authority conferred upon said board by the provisions of an act of the Legislature of Utah, entitled (insert title of act and date of approval.)

In testimony whereof, the said county, by its board of county commissioners, has caused this bond to be signed by the chairman of the board, and attested by the county clerk, with his seal attached, this ..... day of ....., nineteen hundred and .....

.....  
Chairman of board of county commissioners.

Attest:

.....,  
County clerk.

And the interest coupons shall be substantially in the following form:

The treasurer of ..... county, Utah, will pay to the holder hereof, on the ..... day of ....., eighteen hundred and ....., at his office in ....., ..... dollars, lawful money, for interest on county bond No. ....

.....,  
Chairman board of county commissioners.

Attest:

.....,  
County clerk.

Sec. 2. This act shall take effect upon approval.

Approved this 13th day of March, 1901.

## CHAPTER 33.

### SCHOOL OF MINES.

AN ACT providing for the establishment of a state school of mines.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **School of mines established.** A state school of mines is hereby established in connection with, and as a department of, the University of Utah in accordance with the enabling act admitting Utah into the Union of states.

**Sec. 2. Under control of University.** Said school shall be under the management and control of the regents of the University of Utah.

**Sec. 3. Beneficiary of land grants.** Said school shall be the beneficiary of all land grants, and appropriations, made, or to be made by the United States to the state of Utah for the establishment and the maintenance of a school of mines.

**Sec. 4. Course of studies.** In said school there may be offered to students, studies and courses of instruction relating to mining, metallurgical, electrical, and such other branches of engineering as pertain to the pursuit and development in all its branches of the mining industry of Utah.

Approved this 13th day of March, 1901.

## CHAPTER 34.

### DEPUTY CLERK AND STENOGRAPHER OF THE SUPREME COURT.

AN ACT amending section 666 of the Revised Statutes of Utah, 1898, relating to the appointment of a deputy clerk of the supreme court, and enacting a new section to be known as section 666a, creating the office of stenographer of the supreme court, and fixing the salary thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sec. 666 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

**666. Deputy clerk and assistants.** The clerk shall appoint a deputy clerk, and may appoint such assistants as may be necessary for the transaction of the business of the office, who shall be paid by the clerk out of the salary allowed him.

*Amended '03*  
*PK*  
**666a. Supreme court stenographer.** The supreme court shall appoint a stenographer who shall hold his office during the pleasure of the court, whose duty it shall be to act as stenographer for the members of such court, and who shall receive a salary of nine hundred dollars per annum, payable quarterly in the manner provided by law for the payment of the salaries of other state officers.

Approved this 13th day of March, 1901.



## CHAPTER 35.

## STATE BOARD OF LAND COMMISSIONERS.

AN ACT to amend sections 1, 3, 17 and 42 of chapter 64 of the Laws of Utah, 1899, of an act entitled "An Act creating and defining the powers and duties of the state board of land commissioners, providing for the selection, location, appraisement, protection, sale, rental and general management of the public lands of the state, and for the investment of the funds arising from the sale and leasing of such lands, the distribution of the income thereof, and for the sale and protection of the timber on the lands of the state," approved March 9th, 1899.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 1, 3, 17 and 42 of chapter 64 of the Laws of Utah, 1899, be and the same are hereby amended to read as follows:

1. **State board of land commissioners created.** A state board of land commissioners is hereby created, which shall consist of the Governor and four resident citizens of the state, who shall be appointed by the Governor, by and with the consent of the senate. Not more than three members of the board shall belong to one political party. Each commissioner shall hold his office for two years and until his successor is appointed and qualified.

3. **Salary and expenses of commissioners.** Each of the appointed commissioners shall receive for his services an annual salary of twelve hundred dollars, except the secretary, who shall receive eighteen hundred dollars, payable quarterly; and the said commissioners shall receive actual and necessary traveling expenses while in the performance of their official duties.

17. **Relinquishment of filings under U. S. laws and purchase from state.** The state board of land commissioners is hereby authorized to contract with occupants who have filed upon lands in this state under the laws of the United States, whereby said occupants can relinquish their said entry to said land and be permitted to purchase the said tract of land from this state after its selection by the state board, at private sale, at a price to be fixed by the board, which price shall not be less than one dollar and twenty-five cents per acre, provided that at the time of making such contract twenty-five cents per acre shall be deposited with the board to be applied as the first payment on such land after the same is patented to the state, and the remainder of the purchase price shall be paid in not to exceed ten equal yearly payments.

42. **Rights of way over state lands.** Nothing in this act shall be construed as to impair the vested or accrued rights of any ditch or irrigation company, or any person owning any ditch or ditches, on or passing through any state lands, or to prevent the sale of more than one hundred and sixty acres for a continuous right of way, or for stations and building grounds within the state for a common carrier, or for canal or irrigation companies or associations. And the

board is hereby authorized and empowered to grant, at such prices and under such terms as it may deem wise and proper, or without compensation if in its judgment no damage will result therefrom, rights of way on and over any state lands for the transmission of electrical energy or for telephonic purposes.

Sec. 2. This act shall take effect upon approval.

Approved this 13th day of March, 1901.

---

## CHAPTER 36.

### KOHL MEISEN.

AN ACT to provide for the importation of the bird, known as the "Kohl Meisen," as a foe to orchard pests, and authorizing the state board of horticulture to purchase such birds, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Kohl Meisen to be imported.** The state board of horticulture of the state of Utah is authorized to import into this state the birds known as the German "Kohl Meisen."

Sec. 2. **How distributed.** It shall be the duty of the state board of horticulture to distribute the said birds in such numbers and at such places as to determine the value of the said Kohl Meisen as a means of decreasing the numbers and the ravages of the codlin moth worm and other injurious insects.

Sec. 3. **Bulletins to be issued.** The state board of horticulture shall report by bulletins for free distribution to the people of Utah all facts ascertained regarding the action of the Kohl Meisen as a protection to the orchards.

Sec. 4. **Appropriation.** For the purpose of this act there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, to be disbursed upon warrant of the State Auditor issued to the state board of horticulture when duly authorized by the state board of examiners.

Sec. 5. This act shall take effect upon approval.

Approved this 13th day of March, 1901.

## CHAPTER 37.

## POWERS OF SCHOOL TRUSTEES.

AN ACT to amend section 1815 of the Revised Statutes of Utah, 1898, relating to annual and special school taxes, and the powers and duties of school district boards respecting the same, and conferring upon school district boards the management of the schools and the care and control of school property.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1815 of the Revised Statutes of Utah, 1898, be and is hereby amended to read as follows:

1815. **School board to have general control.** The school district board shall have general charge, direction, and management of the schools of the district, and the care, custody and control of all property belonging to the district, subject to the provisions of law. It may annually order to be raised on the taxable property of the district one-half of one per cent for the support of schools and to defray current expenses; additional funds may be raised for such purposes by vote of the qualified voters as provided in chapters five and twelve of this title 55, Revised Statutes of Utah, 1898.

Sec. 2. This act shall take effect upon approval.

Approved this 13th day of March, 1901.

*amended  
2-2-01*

## CHAPTER 38.

## DELIVERY OF CONVICTS TO STATE PRISON.

AN ACT to amend section 2273 of the Revised Statutes of Utah, 1898, relating to delivery of convicts to state prison.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2273 of the Revised Statutes of Utah, be, and the same is hereby amended to read as follows:

2273. **Delivery of convicts.** It shall be the duty of the sheriff of every county in which any criminal shall be sentenced to confinement in the state prison, or shall be sentenced to death, to cause such convict to be removed from the county jail within five days after the sentence and conveyed to the state prison and delivered to the warden thereof.

Sec. 2. This act shall take effect upon approval.

Approved this 13th day of March, 1901.

**CHAPTER 39.****APPROVAL OF BONDS OF STATE OFFICERS.**

**AN ACT** providing for the approval of the bonds of state officers and other persons in cases where no provision is made for the approval of the same.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Approval of the bonds of certain state officers.** Whenever any state officer or other person required to give a bond to the state or state institution is required to give an official bond and no provision is made for approval of the same, such bond shall be approved by the state board of examiners.

**Sec. 2. Act applies to officers elected in 1900.** The provisions of this act shall apply to the bonds of the state officers elected at the November election, 1900.

**Sec. 3.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

**CHAPTER 40.****SALE OF EXPOSITION GROUNDS.**

**AN ACT** to authorize the Deseret Agricultural and Manufacturing Society to dispose of certain property, and to invest the proceeds thereof.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. D. A. & M. Society authorized to sell Exposition grounds.** That the Deseret Agricultural and Manufacturing Society, in its corporate capacity, be and hereby is authorized to sell, transfer, set over and convey to Salt Lake City, a municipal corporation, for a sum not less than twenty thousand dollars, the property situated in Salt Lake City, Utah, and known as the "Exposition Grounds," being all of block twenty-five, plat "B," Salt Lake City survey, containing ten acres, together with the main exposition building situated thereon, and to invest the funds derived therefrom in the erection of buildings on other property in Salt Lake county, to be occupied and used for the purposes for which the said society was organized, as defined by chapter 5, title 61, Revised Statutes of Utah of 1898.

Approved this 14th day of March, 1901.

## CHAPTER 41.

## EIGHT HOURS A DAY'S WORK.

AN ACT amending section 1336 of the Revised Statutes of Utah, 1898, fixing eight hours as a day's work on all public works, and prescribing a penalty for the violation thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1336 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

1336. On public works. Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the state, county or municipal governments. Any person, corporation, firm, contractor, agent, manager, foreman or any officer of the state, or any county or municipal government thereof, who shall require or contract with any person to work upon such works or undertakings longer than eight hours in one calendar day, except in cases of emergency where life or property is in imminent danger, shall be deemed guilty of a misdemeanor.

amended '03  
p. 95-

Approved this 14th day of March, 1901.

## CHAPTER 42.

## COUNTY ATTORNEY.

AN ACT to amend section 633 and to repeal section 4879 of the Revised Statutes of Utah, 1898, defining the duties of county attorney.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 633 of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

633. Is public prosecutor. Duties. The county attorney is a public prosecutor, and must,

1. Conduct on behalf of the state all prosecutions for public offenses, in justices' courts.
2. Institute proceedings before the proper magistrate for the arrest of persons charged with or reasonably suspected of any public offense, when he has information that any such offense has been committed; and for that purpose must attend in person or by deputy upon the magistrates in case of arrest, when required by them.
3. Defend all suits brought against the county, prosecute all actions for the recovery of debts, fines, penalties and forfeitures accruing to his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month, file with the auditor an account, verified by his oath, of all money received by him in his official capacity during the preceding month, and at the same time pay it over to the county treasurer.

6. Give when required, and without fee, his opinion in writing, to county, district, and precinct officers, on matters relating to the public duties of their respective offices.

7. Examine, and when approved by him, attach his approval and signature to the certificate of attendance and mileage of all jurors and of witnesses in criminal cases issued by the clerk of the district court.

8. At the request of the district attorney to assist him in the prosecution of public offenses, and perform such other duties as are or may be required by law.

Sec. 2. That section 4879 of the Revised Statutes of Utah be, and the same is, hereby repealed.

Sec. 3. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 43.

### STATE FAIR.

AN ACT amending section 2128 of the Revised Statutes of Utah, 1898, providing for an annual state fair under the direction of the Deseret Agricultural and Manufacturing Society.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2128 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

2128. **Annual fair.** At Salt Lake City, the society shall hold an annual exhibition of such agricultural, horticultural, and mineral products, manufactured articles, and domestic and imported animals, as in its opinion, will most stimulate industrial pursuits among the people of the state, and may award premiums for the best specimens of all such exhibited articles and animals.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

**CHAPTER 44.****COMPANY STORE AND BOARDING HOUSE.**

**AN ACT to prevent the compelling of employees of persons or corporations, to trade with any store, or board at any boarding house, by means of coercion, intimidation, or otherwise.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. No person must compel employee to board at particular house or trade at particular store.** Every person, body-corporate, agent, manager, or employer, doing business in the state of Utah, who by coercion, intimidation, threats or undue influence, compels his employees to boarding at a particular boardinghouse, or to trade with or at a particular store, shall be deemed guilty of a misdemeanor.

**Sec. 2.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

**CHAPTER 45.****IMPROPER USE OF CERTAIN MEDALS.**

**AN ACT prohibiting certain persons from wearing certain insignias or medals, and providing a penalty for a violation of the same.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Unlawful to wear or use certain medals.** It shall be unlawful for any person to wear the insignia or rosette of the military order of the Loyal Legion of the United States, or of the order of the Grand Army of the Republic, or the medals presented by this state to the Utah volunteers, or to use the same to obtain aid or assistance thereby from any person, unless he shall be entitled to use or wear the same under the constitution, by-laws or rules and regulations of such orders, or by the laws of the state.

**Sec. 2. Penalty.** Any person convicted of a violation of any of the provisions of this act, shall be deemed guilty of a misdemeanor.

**Sec. 3.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 46.

## PARTIES TO CIVIL ACTIONS.

AN ACT to amend sections 2911 and 2912 of the Revised Statutes of Utah, 1898, relating to parties to civil actions.

*Be it enacted by the Legislature of the State of Utah:*

That sections 2911 and 2912 of the Revised Statutes of Utah, 1898, be and the same are hereby amended to read as follows:

2911. **Parent or guardian may sue for death of child or ward.** A father, or in case of his death or desertion of his family, the mother may maintain an action for the death or injury of a minor child, when such injury or death is caused by the wrongful act or neglect of another; and a guardian may maintain an action for the injury or death of his ward, if the ward be of lawful age, when such injury or death is caused by the wrongful act or neglect of another, the action by the guardian to be prosecuted for the benefit of the heirs of the ward. Any such action may be maintained against the person causing the injury or death, or, if such person be employed by another person who is responsible for his conduct, also against such other person.

2912. **Heirs, etc., may sue for death of adult.** When the death of a person not a minor is caused by the wrongful act or neglect of another, his heirs or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death, or, if such person be employed by another person who is responsible for his conduct, then also against such other person. If such adult person have a guardian at the time of his death, only one action can be maintained for the injury to or death of such person, and such action may be brought by either the personal representatives of such adult person deceased for the benefit of his heirs, or by such guardian for the benefit of his heirs as provided in section 2911. In every action under this and the preceding section such damages may be given as under all the circumstances of the case may be just.

Approved this 14th day of March, 1901.



## CHAPTER 47.

## PAYMENT OF SALARIES OF COUNTY OFFICERS.

AN ACT amending section 2061 of the Revised Statutes of Utah, 1898, providing for the payment of salaries of county officers.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2061 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

2061. **Paid monthly.** The salaries of county officers must be paid monthly out of the general fund, or the salary fund, as the case may be, of the county, upon the order of the board of county commissioners; but one-half the salaries of the assessor, and the treasurer, and their deputies and assistants shall be borne by the state and paid to the county as provided by law. The salary of county superintendent of schools shall be paid out of the county school fund.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 48.

## PLEADING AND PROVING CORPORATE EXISTENCE.

AN ACT in relation to pleading and proving corporate existence in actions by and against corporations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **When corporate existence need not be proved.** In an action by or against a corporation, the plaintiff need not prove upon the trial the existence of the corporation, unless the answer is verified, and contains an affirmative allegation that the plaintiff or defendant, as the case may be, is not a corporation.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 46.

## PARTIES TO CIVIL ACTIONS.

AN ACT to amend sections 2911 and 2912 of the Revised Statutes of Utah, 1898, relating to parties to civil actions.

*Be it enacted by the Legislature of the State of Utah:*

That sections 2911 and 2912 of the Revised Statutes of Utah, 1898, be and the same are hereby amended to read as follows:

**2911. Parent or guardian may sue for death of child or ward.** A father, or in case of his death or desertion of his family, the mother may maintain an action for the death or injury of a minor child, when such injury or death is caused by the wrongful act or neglect of another; and a guardian may maintain an action for the injury or death of his ward, if the ward be of lawful age, when such injury or death is caused by the wrongful act or neglect of another, the action by the guardian to be prosecuted for the benefit of the heirs of the ward. Any such action may be maintained against the person causing the injury or death, or, if such person be employed by another person who is responsible for his conduct, also against such other person.

**2912. Heirs, etc., may sue for death of adult.** When the death of a person not a minor is caused by the wrongful act or neglect of another, his heirs or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death, or, if such person be employed by another person who is responsible for his conduct, then also against such other person. If such adult person have a guardian at the time of his death, only one action can be maintained for the injury to or death of such person, and such action may be brought by either the personal representatives of such adult person deceased for the benefit of his heirs, or by such guardian for the benefit of his heirs as provided in section 2911. In every action under this and the preceding section such damages may be given as under all the circumstances of the case may be just.

Approved this 14th day of March, 1901.

## CHAPTER 50.

## COUNTY SCHOOL TAXES.

**AN ACT** to amend section 1865 of the Revised Statutes of Utah, 1898, providing for the levying of county school taxes by the board of county commissioners and providing for the collection of the same.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1865 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

1865. **County school tax. Levy. Rate. Collection.** The board of county commissioners of the county, at the time of making the annual levy of other county taxes, must levy a county school tax upon all taxable property of the county; *provided*, that said tax shall not exceed four mills on the dollar of valuation of the property taxed. Said tax shall be collected by the officer charged with the collection of general taxes, at the same time and upon the same valuation of the property taxed as other county taxes, and shall be paid into the county treasury of the county to the credit of the county school fund.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 51.

## APPORTIONMENT OF COUNTY SCHOOL TAX.

**AN ACT** to amend section 1867 of the Revised Statutes of Utah, 1898, providing for the apportionment of the county school fund, and prescribing certain duties of county superintendents of schools respecting the same.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1867 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

1867. **Apportionment and use of school funds.** The county superintendent of each county shall, immediately upon receiving the apportionment from the State Superintendent, proceed to apportion the state school funds to the several school districts of his county according to the number of school children residing in each district over six and under eighteen years of age, as shall appear from the last enumeration reported to his office. The county superintendent shall apportion the county school fund in like manner, and as soon

## CHAPTER 49.

## AUTHORIZING CITIES TO GRANT DEPOT SITES TO RAILROAD COMPANIES.

AN ACT authorizing cities and incorporated towns to aid and encourage the construction of railroads by granting to railroad companies for depot sites or other railroad purposes, real property of certain cities and incorporated towns not necessary for municipal or public purposes, and providing for submitting such proposed grant to the qualified electors of such city or incorporated town and prescribing the manner of holding said elections.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Cities and towns may grant depot sites. Vote of people thereon. That the city council of any city or board of trustees of any incorporated town of this state is authorized to aid and encourage the building of railroads by granting to any railroad company, for depot or other railroad purposes, real property of such city or incorporated town, not necessary for municipal or public purposes, upon such limitations and conditions as said council or board of trustees may prescribe; *provided, however*, that no such grant shall be made to any railroad company, unless the question of making said grant has been submitted to the qualified electors of the city or town at the next municipal or special election to be called for that purpose by the city council or town board. If the question is submitted at a special election, it shall be held as nearly as possible in conformity with the general election laws of the state. Notice shall be given of such election by publication in some newspaper or newspapers published in the city or town for four weeks prior thereto; or if there be no newspaper, then by posting notices. The city council, or town board, shall cause ballots to be printed and furnished to the qualified electors, which shall read: "For the proposed grant for depot or other railroad purposes: 'Yes.' 'No.' " If a majority of the qualified electors voting thereon shall have voted in favor of such grant, the city council, or town board, shall then proceed to convey the property to the railroad company.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

November, 1902; and that the remaining one-third of such cars so owned shall be provided with inclosures in a similar manner on or before the first day of November, 1903.

Sec. 2. **Ib.** It shall be unlawful for any such person, partnership or corporation so owning or operating a street railway using steam, electric or cable cars, or any superintending or managing officer or agent thereof, to cause or permit to be used upon such line of railway, between said first day of November, and said first day of April, of each and every of said years. any car or cars upon which services of any employee such as specified in section 1 of this act, is required, unless said car or cars shall be provided with the inclosure required by said section 1 of this act.

Sec. 3. **Penalty.** Any person, partnership, or corporation owning, operating, superintending or managing any such line of street railway, or managing, superintending officer or agent thereof, who shall be found guilty of a violation of the provisions of sections 1 or 2, of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50.00, nor more than \$250.00. Each day any of said persons cause or permit any of their said employees to operate such car or cars in violation of the provisions of section 1 of this act, or cause or permit cars to be run or operated in violation of section 2 of this act, shall be deemed a separate offense; *provided*, that the provisions of this act shall not apply to cars used and known as trailing car or cars used solely in construction or repair work, or car or cars known as open or summer cars.

Approved this 14th day of March, 1901.

---

## CHAPTER 53.

### INTOXICATING LIQUORS.

AN ACT to amend section 1249 of the Revised Statutes of Utah, 1893, regulating the sale of intoxicating liquors and preventing certain persons from frequenting places of business where such liquors are sold, and repealing section 4246, Revised Statutes of Utah, 1898.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1249, of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

1249. **Selling to insane person or habitual drunkard. Minors.** Any person who shall knowingly give, sell, procure for or otherwise dispose of any intoxicating drink to an insane, or idiotic person, and any person licensed as herein provided, or any other person who shall knowingly give, sell, procure for or otherwise dispose of any intoxicating drink to any minor, or who shall permit any of said persons to be, or remain in his place of business where intoxicating

liquors are sold, or who shall give, sell, procure for or otherwise dispose of any intoxicating drink, to any person who is known in the community as a habitual drunkard shall be deemed guilty of a misdemeanor. And any minor who frequents or remains in any saloon or place where intoxicating liquor is sold, shall be guilty of a misdemeanor.

Sec. 2. That section 4246 of the Revised Statutes of Utah, 1898, is hereby repealed.

Sec. 3. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 54.

### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT amending section 1774 of the Revised Statutes of Utah, 1898, providing for the election of State Superintendent of Public Instruction, prescribing his qualifications and providing for the appointment and compensation of his deputy.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1774, Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

1774. **Election of State Superintendent. Qualifications, term, oath and bond. Deputy.** There shall be chosen by the qualified electors of the state at the regular state election in the year nineteen hundred, and every four years thereafter, a superintendent of public instruction, hereinafter called the State Superintendent, who, at the time of his election shall be a qualified elector, shall have been a resident citizen of the state of Utah for five years next preceding his election, shall have attained the age of thirty years, shall be the holder of a state certificate of the highest grade issued in some state, or shall be a graduate of some reputable university, college, or normal school. He shall reside and hold his office at the seat of government for the term of four years from the first Monday in January following his election and until his successor is elected and qualified. Before entering upon his duties, he shall take the oath of office and give a bond in the penal sum of five thousand dollars, with not less than two sureties, to be approved by the Governor and filed in the office of the Secretary of State. He shall have power to appoint a deputy, who shall be a qualified elector in the state and who shall be paid a salary of four hundred dollars per annum to be paid out of the school fund.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 55.

## BUREAU OF STATISTICS.

AN ACT to establish a bureau of statistics, and to define the duties thereof, and making appropriation therefor.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Bureau of statistics created. Term of office of commissioner.** A state bureau of statistics is hereby created and shall be under the control of a commissioner, who shall be appointed by the Governor, by and with the consent of the senate, and whose term of office shall be four years and until his successor is appointed and qualified. He shall have an office at the capital of the state, and shall have the power to appoint a deputy and such other assistants, from time to time, as shall be necessary for the transaction of the business of his office.

**Sec. 2. Duties of bureau.** The duties of said bureau shall be to collect, assort, systematize and present in annual reports to the Governor, statistical details relating to agriculture, mining, manufactures and other industries in the state; said reports to be published annually and distributed under the direction of the state board of examiners.

**Sec. 3. Powers of commissioner. Witnesses.** The commissioner of the bureau of statistics shall have power to issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required by said bureau, said testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpoenaed and testifying before the commissioner of the bureau shall be paid the same fees as witnesses before a justice's court, such payment to be made out of the contingent fund of the bureau in advance, but such expense for witnesses shall not exceed one hundred dollars annually. Any person duly subpoenaed under the provisions of this section, who shall willfully neglect or refuse to attend or testify at the time and place named in the subpoena, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail not exceeding thirty days; *provided, however,* that no witness shall be compelled to go outside the county in which he resides to testify.

**Sec. 4. Bond. Salary. Expenses.** Said commissioner shall give a bond of ten thousand dollars, for the faithful performance of the duties required by this act. The commissioner shall receive a compensation of fifteen hundred dollars per annum and actual traveling expenses, to be audited and paid as with other state officers.

**Sec. 5. Information confidential.** In the reports of the commissioner no use shall be made of names of individuals, firms or corporations supplying the information called for by this act, such information being deemed confidential and not for the purpose of disclosing personal affairs; and any officer or employee of the bureau of statistics violating this provision shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding one year.

**Sec. 6. Documents to be held two years.** No report or return made to said bureau in accordance with the provisions of this act, and no schedule, record or document gathered or returned by its officers or employees, shall be destroyed within two years of the collection or receipt thereof. At the expiration of two years all records, schedules or papers accumulating in said bureau during said period, that may be considered of no value by the commissioner, may be destroyed, provided the authority of the state senate be first obtained for such destruction.

**Sec. 7. Information, how obtained.** Said bureau may collect the information called for by this act, or such information as the commissioner shall consider essential to perfect the work of the bureau, from the several state, county, city, town, precinct and school district officers, and from officers of prisons, penal and reformatory institutions; and it shall be the duty of all such officers to furnish, upon the written or printed request of the commissioner, such information as shall be considered necessary for the purposes of this act, upon blanks furnished by said bureau. Each owner, operator, or manager of industrial, mining or agricultural business, or other person having information necessary to the work of the bureau of statistics, shall, upon request of the commissioner, furnish the same, upon blanks to be provided by the said bureau.

*inserted as p. 72*

**Sec. 8. County assessors to get statements. Blank form.** Each county assessor, or his deputies, at the time of taking lists of property for taxation in each year, shall require each person, company and corporation in his county or district, to make a statistical statement of the previous year, as indicated on blanks furnished by the bureau, as follows:

**AGRICULTURE:** Number of acres, and production per acre, of each kind of crop; number of acres of different kinds of pasture; number of fleeces of wool, and average weight of the same; name of manager of farm; size of farm; quantity of land under fence; quantity of land not under fence; quantity of land under cultivation; assessed value of farm and of farming implements; number of different kinds of live stock, poultry, stands of bees; amount of honey produced; number of acres of nurseries, orchards and vineyards, with the production thereof and the amount of capital invested therein; number of mules, horses, cattle, sheep and hogs, subdivided into the breeds or classes where they belong; number and value of



slaughtered animals; canals, reservoirs, etc., constructed, and cost thereof.

**MANUFACTURES:** Number of establishments; name and postoffice address of corporation, company or individual producing; name of business; kind of motive power; average number of hands employed; capital invested; raw material used; product; number of flouring mills, woolen mills, saw mills, or factories of different classes; number of pounds of cheese and butter produced in factories; number and kind of cows used; number of mercantile establishments, average number of employees in each; and amount of capital invested; number of workshops and average number of employees; minimum wages; maximum wages; average wages; number of hours per day employees are required to work.

**MINING:** Quantity of precious or other metals produced or handled; capital employed; approximate area of property; area of undeveloped property.

In addition they shall furnish such other information as shall be practicable in the discharge of their duties, as listed on the blanks provided by the bureau.

These blanks shall be returned by the county assessor to the state bureau of statistics.

**Sec. 9. Appropriation.** An appropriation of six thousand dollars or so much thereof as may be necessary, is hereby made to carry out the purposes of this act.

Approved this 14th day of March, 1901.

## CHAPTER 56.

### ACCEPTANCE OF CAREY ACT.

**AN ACT** to provide for the acceptance by the state of Utah, from the United States, of certain desert lands, and providing for the reclamation, occupancy and disposal of the same.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Acceptance of conditions of Carey Act.** The state of Utah, hereby accepts the conditions of section four of the act of Congress entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, A. D. eighteen hundred and ninety-four, together with all grants of land to the state under the provisions of the aforesaid act.

**Sec. 2. Selection and disposal of lands by commissioners.** The selection, management and disposal of said land shall be vested in the state board of land commissioners. Said board is hereby authorized to make all contracts necessary to carry out the provisions

## CHAPTER 46.

## PARTIES TO CIVIL ACTIONS.

AN ACT to amend sections 2911 and 2912 of the Revised Statutes of Utah, 1898, relating to parties to civil actions.

*Be it enacted by the Legislature of the State of Utah:*

That sections 2911 and 2912 of the Revised Statutes of Utah, 1898, be and the same are hereby amended to read as follows:

2911. **Parent or guardian may sue for death of child or ward.** A father, or in case of his death or desertion of his family, the mother may maintain an action for the death or injury of a minor child, when such injury or death is caused by the wrongful act or neglect of another; and a guardian may maintain an action for the injury or death of his ward, if the ward be of lawful age, when such injury or death is caused by the wrongful act or neglect of another, the action by the guardian to be prosecuted for the benefit of the heirs of the ward. Any such action may be maintained against the person causing the injury or death, or, if such person be employed by another person who is responsible for his conduct, also against such other person.

2912. **Heirs, etc., may sue for death of adult.** When the death of a person not a minor is caused by the wrongful act or neglect of another, his heirs or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death, or, if such person be employed by another person who is responsible for his conduct, then also against such other person. If such adult person have a guardian at the time of his death, only one action can be maintained for the injury to or death of such person, and such action may be brought by either the personal representatives of such adult person deceased for the benefit of his heirs, or by such guardian for the benefit of his heirs as provided in section 2911. In every action under this and the preceding section such damages may be given as under all the circumstances of the case may be just.

Approved this 14th day of March, 1901.

**CHAPTER 47.****PAYMENT OF SALARIES OF COUNTY OFFICERS.**

**AN ACT** amending section 2061 of the Revised Statutes of Utah, 1898, providing for the payment of salaries of county officers.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 2061 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

**2061. Paid monthly.** The salaries of county officers must be paid monthly out of the general fund, or the salary fund, as the case may be, of the county, upon the order of the board of county commissioners; but one-half the salaries of the assessor, and the treasurer, and their deputies and assistants shall be borne by the state and paid to the county as provided by law. The salary of county superintendent of schools shall be paid out of the county school fund.

**Sec. 2.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

**CHAPTER 48.****PLEADING AND PROVING CORPORATE EXISTENCE.**

**AN ACT** in relation to pleading and proving corporate existence in actions by and against corporations.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** When corporate existence need not be proved. In an action by or against a corporation, the plaintiff need not prove upon the trial the existence of the corporation, unless the answer is verified, and contains an affirmative allegation that the plaintiff or defendant, as the case may be, is not a corporation.

**Sec. 2.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

rules and regulations for the use and distribution of the annual supply of water, such rules and regulations to be approved by the board; and said contractor shall enter into satisfactory bond in a penal sum equal to five per cent of the estimated cost of the works for the faithful performance of the provisions of the contract with the state; but in no case shall said bond exceed the sum of fifty thousand dollars.

**Sec. 9. Id. Time for completion. Forfeitures.** No contract shall be made by the board which gives a longer time than the first of April, nineteen hundred and three, for the construction of the works, or for the extension to the lands to be reclaimed of systems, the rights to which have been acquired; and all contracts shall state that the works covered by the contract shall begin within six months of the day of contract and that the construction shall be prosecuted diligently and continuously to completion, and that the cessation of work under a contract for a period of six months shall forfeit to the state all rights under said contract, and the penal sum named in the bond; *provided*, that no property or right which was vested in the applicant or contractor at the date of the contract shall be forfeited; *and provided also*, that in cases of contractors who, at the date of the application, own or have vested rights in water, and in a reservoir, a reservoir site, canals, or other irrigation works, the forfeiture shall extend only to portions of the system unconstrued at the time of default, and to the penalty of the bond given by such contractor.

**Sec. 10. Notice of failure to comply with contract. State may complete works.** Upon the failure of the contractor to comply with any requirement of his contract, it shall be the duty of the board to notify such contractor of such failure, and that unless the contractor shall comply with such requirements within sixty days from the date of such notice, the bond and contract, and, except as herein otherwise provided, all work constructed thereunder, shall be at once and thereby forfeited to the state, as provided in section nine. The board shall bring action in the proper court to cause the said works to be forfeited, and thereafter shall advertise for proposals to complete the said work and may, in proper cases, contract with a bidder who will pay the original contractor the highest sum for the works partially completed, and complete the said works, and supply water rights to the settlers on the lands to be reclaimed, for the price and upon the terms stated in the original contract. If no bid shall be received for the completion of said works, and furnishing water rights to such settlers, for the price and upon the terms stated in the original contract, then the board shall bring the proper action for recovering the amount of the bond of the contractor.

**Sec. 11. Citizens may enter land. Conditions.** Any citizen of the United States, or any person having declared his intention to become a citizen of the United States, over the age of twenty-one years, may make application to the board to enter any of said lands, not exceeding one hundred and sixty acres, under the regulations of the department of the interior, and the rules of the board. Each

application must be accompanied by a certified copy of a contract for a perpetual water right made by the applicant with the person or corporation authorized by the board to furnish water for the reclamation of said lands, together with twenty-five cents per acre for the land applied for, and contain the declaration that he will settle upon and improve said land, and if said application is allowed, the board shall cause to be issued a certificate of the location to the applicant. If the application is not allowed, the twenty-five cents per acre accompanying it shall be returned to the applicant. If the construction company fails to furnish water to any settler under the provisions of its contract with the state, the state shall refund to such settler all payments that he shall have made to the state. The board shall dispose of all lands accepted by the state under the provisions of this act at a price not to exceed one dollar per acre, twenty-five cents per acre to be paid at the time of entry and the remainder at the time of making the final proof by the settler; but no settler shall be entitled to make more than one entry.

**Sec. 12. Proceeds to constitute a reclamation fund.** All moneys received by the board from the sale of lands selected under the provisions of this act, shall be deposited with the State Treasurer and such sums as may be necessary shall be available for the payment of the expenses of the board in carrying out the provisions of this act, and such expenses shall be paid in a warrant drawn by the State Auditor in the manner that other expenses of the board are paid, and any balance remaining over and above the expenses necessary to carry out the provisions of this act shall constitute a trust fund to be used only for the reclamation of other arid lands.

**Sec. 13. Completion of irrigation works.** Upon the completion of the said works or any section thereof the contractor shall notify the board that he is prepared to supply water to the land designated in his application, or any particular tract thereof, whereupon the board shall cause proof of that fact to be made to the department of the interior with a request that a patent to such land be issued to the state, and shall cause a notice to be given to each settler of such fact, and within three years thereafter each settler shall appear before the board and make a final proof of reclamation, settlement, and occupation in accordance with the regulations of the department of the interior and the rules of the board, and shall make final payment for the land entered by him. Upon final payment by any settler, the state shall issue a patent for the land entered, which shall be executed in the same manner that other patents are executed.

**Sec. 14. Water rights appurtenant to lands. Lien thereon for water. Foreclosure. Redemption.** The water rights to all lands acquired, under the provisions of this chapter, shall attach to and become appurtenant to the land as soon as the title passes from the United States to the state. Any person or corporation furnishing water for any tract of land so acquired shall have a first and prior lien on said water rights and land upon which said water is used, for all deferred payments for said water rights, and said lien to be in all respects prior to any or all other liens created or attempted to be

created by the owner and possessor of said land, and shall remain in force and effect until the last deferred payment for the water rights is fully paid and settled according to the terms of the contract under which said water rights were acquired. The contract for the water rights upon which the aforesaid lien is founded shall be recorded in the office of the county recorder of the county where said land is situated. Upon default of any deferred payments secured by any lien under the provisions of this act, the person or corporation holding or owning said lien may foreclose the same according to the terms and conditions of the contract granting and selling to the settler the water rights, and such foreclosure shall be in the manner that mortgages are foreclosed in this state; *provided*, that such settler or settlers shall have the right within one year from the date of foreclosure as provided in this section, to redeem such land and water rights, by payment of the sum of such deferred payment or payments with interest at not to exceed twelve per cent per annum, with accrued cost of maintenance.

**Sec. 15. Lien on land for cost of reclamation.** Under the provisions and subject to the conditions of the act of Congress, entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes," approved June eleventh, eighteen hundred and ninety-six, and under a section of the sub-title of said act "surveying the public lands," a lien is hereby created in favor of the contractor on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers.

**Sec. 16. Maps of canals and other irrigation works.** The maps in the office of the board shall show the location of the canals or other irrigation works approved in the contract with the board, and all lands entered under the provisions of this act shall be subject after entry to the rights of way of such canals or irrigation works, said right of way to embrace the entire width of the canals and such additional width as may be required for its proper operation and maintenance, the width of right of way to be specified in the contract provided for in this chapter.

**Sec. 17. Contractors to make annual reports.** The board shall require annual reports from each contractor giving such details respecting the fulfilment of the contract as the board may require.

**Sec. 18.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 57.

## SALE OF INTOXICATING LIQUOR WITHIN TEN MILES OF AN INDIAN RESERVATION.

AN ACT to prevent the sale of intoxicating liquor within ten miles of an Indian reservation.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Sale of liquor within ten miles of Indian reservation.** That it shall be unlawful to sell intoxicating liquor within ten miles of an Indian reservation, except in incorporated cities or towns.

Sec. 2. **Penalty.** Any person violating the provisions of this act shall, upon conviction, be fined not more than three hundred dollars, or imprisoned in the county jail not more than six months, or by both such fine and imprisonment, and all such fines shall be deposited in the county treasury of the county in which the offense is committed.

Approved this 14th day of March, 1901.

---

CHAPTER 58.

## NATIONAL GUARD.

AN ACT to amend sections 1441, 1465, 1466, 1481 and 1486 of the Revised Statutes of Utah, 1898, relating to the officers of the militia and defining military courts and their jurisdiction.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 1441, 1465, 1466, 1481 and 1486 of the Revised Statutes of Utah of 1898, be and the same are hereby amended to read as follows:

1441. **Who may hold commission.** On and after the first day of July, 1898, no person except the officers of the staff of the commander-in-chief and of the brigadier-general shall hold any commissioned office in the national guard, who is not a male citizen of the United States over twenty-one years of age and free from the disqualifications mentioned in section 1424; *provided*, that no person above the age of forty-five years shall be disqualified on account of his age from holding office or serving in any organized company.

1465. **Annual encampment.** It shall be the duty of the commander-in-chief to assemble the national guard at a camp of instruction in each year; such encampment shall be for a period not to exceed fifteen days.

1466. **Drills. Absence from.** Drills shall be held by companies, troops, batteries and detachments as provided by the regulations of

the guard. Any officer, non-commissioned officer or private, absenting himself from drill without a reasonable excuse shall receive such punishment as any military court having jurisdiction may legally impose.

1481. The military courts of this state shall be:

1. Courts of inquiry;
2. General courts-martial;
3. Garrison courts-martial; and
4. Summary courts.

1486. **Garrison courts-martial.** Garrison courts-martial for the trial of non-commissioned officers, and privates shall consist of from one to three officers. Summary courts for the trial of non-commissioned officers and privates shall consist of one officer. The commanding officer of a regiment of a battalion, not part of a regiment, or of a separate command, or independent camp may appoint a garrison court, or a summary court, or more than one having jurisdiction over such part of his command as he may designate. The brigade commander may appoint garrison courts, or summary courts within any of the organizations as are under his direct command. Garrison court, or a summary court shall sit during the pleasure of the officer convening it. It shall be the duty of the commanding officer of every company battalion, or regiment to make return to the garrison court, or summary court having jurisdiction, of all delinquents therein; whereupon such delinquents must be forthwith summoned to appear before the court at a time and place specified in the summons. The summons may be served by any person designated by the president of a garrison court, or by the summary court officer.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 59.

### RESERVOIR LAND GRANT FUND.

AN ACT creating the reservoir land grant fund and providing for the procuring of reservoir sites and the construction of reservoirs for the purpose of supplying water to state lands.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Creation of reservoir fund.** There is hereby created a fund to be known as the reservoir land grant fund, said fund to consist of all moneys received from the sale of land selected under the grant for this state of five hundred thousand acres of land for the establishment of permanent water reservoirs for irrigating purposes.



Sec. 2. **Selection of sites for reservoirs.** The state board of land commissioners is hereby authorized and directed to cause to be selected suitable sites for the construction of reservoirs and to procure by selection grant, or purchase, the title to the land to be covered by water stored in such reservoirs, and to cause to be constructed suitable reservoirs for the purpose of storing water to be supplied to the state lands, whenever in its judgment the interest of the state would be promoted thereby.

Sec. 3. **Plans and specifications.** Whenever a reservoir site has been selected and located, the said board shall cause to be made, by the state engineer, plans and specifications in detail showing the kind and quantity of materials required and the work necessary to be performed in the construction of such reservoir, together with an estimate of the total cost of the same and of the number of acres that may be irrigated therefrom; all plans and specifications shall be made with a view to constructing a substantial, permanent reservoir.

Sec. 4. **Advertisement for bids.** If the board shall determine to construct any such reservoir it shall cause to be published in at least three newspapers having general circulation in the state, a notice calling for bids for each class of material to be furnished and work to be done in the construction of the same. Such notice shall be published for at least thirty days prior to the day fixed for opening such bids, and each bid must be accompanied with a certified check for at least ten per cent. of the amount of such bid, conditioned that the bidder will, within thirty days after the acceptance of his bid, enter into a good and sufficient bond for the faithful performance of his contract.

Sec. 5. **May award contracts.** At the time fixed for opening such bids the board shall proceed to consider the same, and may award the entire contract to one bidder, or may let any class of material or work as the board may deem best. The successful bidder must enter into a contract to complete the reservoir in accordance with the plans and specifications, and must enter into a bond with two or more good and sufficient sureties for the faithful performance of the contract. The contract must require that all material and work will be subject to the approval of the state engineer or the assistants selected by the board.

Sec. 6. **Id.** The said board is fully authorized to make all necessary contracts for the construction of any and all reservoirs undertaken under the provisions of this chapter.

Sec. 7. **Supervision of construction.** During the construction of any reservoir the said board shall cause the same to be supervised by the state engineer with such assistants as it may deem necessary.

Sec. 8. **Manner of making payments.** As the work progresses and at such times as is provided in the contract for making payments, the board must make a requisition upon the State Auditor for such sums of money as may be necessary to make such payments upon

the contract, and the State Auditor must thereupon draw his warrant upon the State Treasurer for the amount specified in such requisition, the same to be paid out of any money in the reservoir land grant fund.

**Sec. 9. Appropriation.** For the purpose of carrying out the provisions of this chapter the sum of five hundred thousand dollars is hereby appropriated out of the reservoir land grant fund, but no money shall be appropriated or paid out of any other fund for the construction of reservoirs within the state.

**Sec. 10. Unpaid warrants to draw interest.** If any warrant drawn on the said fund is not paid by the State Treasurer upon presentation, he shall register the same and indorse thereon "not paid for want of funds," giving the date thereof, and whenever the treasurer has the sum of one thousand dollars on hand, in said fund, he shall call in the warrants, issued on said fund and registered, in the order of their presentation.

**Sec. 11. Patents to convey interest in reservoir.** All reservoirs constructed under the provisions of this act, together with the water rights acquired thereby, shall be and remain the property of the state of Utah until the land to be irrigated thereby is sold and disposed of and fully paid for, and the same shall become appurtenant to the lands to be irrigated thereby, and when any such lands are sold and patented by the state such patents shall convey a proportionate interest in such reservoirs and water rights.

**Sec. 12. Board may make rules.** The board may make any and all needful rules for carrying out the provisions of this chapter.

Approved this 14th day of March, 1901.

## CHAPTER 60.

### FEES OF SECRETARY OF STATE.

AN ACT to amend section 965 of the Revised Statutes of Utah, 1898, providing the fees to be collected by the Secretary of State for services performed in his office.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 965 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

#### **965. Fees of Secretary of State.**

For a copy of any law, resolution record, or other document, or paper on file in his office, fifteen cents per folio.

For affixing certificate and seal of state, one dollar.

For receiving and filing each original or certified copy of articles of incorporation, he shall charge and collect the sum of twenty-

*Amended  
2042-05*

five cents on each one thousand dollars of capital stock of any company or corporation; *provided*, that the same sum shall be charged and collected for receiving and filing certified copies of articles of incorporation or of amendments increasing the capital stock of foreign corporations hereafter organized for the purpose of operating property or carrying on business in this state. No fee shall be charged for filing certified copy of articles of incorporation organized not for pecuniary profit.

For filing each certified copy of an amendment to articles of incorporation increasing the capital stock of any corporation, and issuing certificate thereof, twenty-five cents for each one thousand dollars of increase of such capital stock.

For filing each certified copy of other amendments to articles of incorporation, and issuing certificate thereof, five dollars.

For receiving and filing articles of incorporation and by-laws of foreign corporations not included in the proviso to the third subdivision above, twenty-five dollars.

For issuing each certificate of incorporation, five dollars.

For issuing each certificate of incorporation not organized for pecuniary profit, one dollar.

For receiving and recording each official bond, two dollars.

For each commission signed by the Governor, five dollars; *provided*, that no charge shall be made for commissions for public officers serving without compensation.

For filing each trade mark, three dollars.

For filing each annual statement of insurance company, twenty-five dollars.

For filing notice of appointment of agent, five dollars.

For filing each annual tax statement of insurance company, two dollars.

For issuing certificate of authority to each agent or solicitor of insurance company, five dollars.

For certificate of renewal of authority to agent or solicitor of insurance company, two dollars.

For issuing certificate of authority to each insurance company, five dollars.

For filing list of authorized attorneys for each insurance company, one dollar.

For preparing abstract of annual statement of each insurance company and certifying same, five dollars.

For filing annual statement of each building and loan association, five dollars.

For issuing certified copy of annual statement of building and loan association, two dollars.

For issuing certificate of authority to building and loan association, three dollars.

For filing and certifying private banker's preliminary statement, twenty-five dollars.

For filing each quarterly statement of each bank and issuing a certified copy thereof, five dollars.

For receiving and filing an acceptance of the provisions of the

constitution on the part of an incorporated company and issuing certificate thereof, three dollars.

For each warrant of arrest issued by the Governor and attested by the Secretary of State upon the requisition of any other state or territory, five dollars.

For recording miscellaneous records, papers, or other documents, twenty cents per folio.

For filing any paper or document not otherwise provided for, five dollars.

For searching records and archives of the state, one dollar; *provided*, that no member of the Legislature or other state or county officer shall be charged for any search relative to matters appertaining to the duties of his office or for a certified copy of any law or resolution passed by the Legislature and relative to his official duties.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 61.

### FRAUD OF CORPORATE OFFICERS AND AGENTS.

AN ACT to amend section 4413 of the Revised Statutes of Utah, 1898, and to provide for the punishment of directors, officers and agents of corporations and other persons for fraud and misconduct.

*Re it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 4413 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

4413. **Fraud or misconduct of officer or agent of corporation.** Every director, officer or agent of any corporation or association, who knowingly receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand, and who, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books or accounts of such corporation or association; and every director, officer, agent or member of any corporation or association who embezzles, abstracts, or willfully misapplies any of the money, funds or credits of the corporation or association; or who, without authority from the directors, issues or puts in circulation any of the notes of the corporation or association; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree; or who makes any false entry in any book, report or statement of the corporation or association, or who issues any fraudulent, fictitious or illegal stock in any such corporation or association with intent in

either case to injure or defraud the corporation or association, or any other company, body politic or corporate, or any individual person, or to deceive any officer of the corporation or association, or any agent appointed to examine the affairs of any such corporation or association; and every person who with like intent aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned in the state prison for not less than one nor more than ten years and be fined in any sum less than ten thousand dollars.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 62.

### INHERITANCE TAX.

AN ACT to tax gifts, legacies and inheritances in certain cases, and to provide for the collection of the tax.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. All property in excess of ten thousand dollars subject to inheritance tax. All property within the jurisdiction of this state and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritance of this or any other state, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor, to any person in trust or otherwise, shall be subject to a tax of five per centum of its value above the sum of ten thousand dollars, after the payment of all debts, for the use of the state; and all administrators, executors and trustees, and any such grantee under a conveyance, and any such donee under a gift made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them respectively, except as herein otherwise provided, with lawful interest as hereinafter set forth until the same shall have been paid. The tax aforesaid shall be and remain a lien on such estate from the death of the decedent until paid.

Sec. 2. Inventory of property liable to tax to be filed. It shall be the duty of the executor, administrator or trustee, immediately upon his appointment, to make and file a separate inventory, any will to the contrary notwithstanding, of all the real estate of the decedent liable to such tax, and to cause a description of such real estate, supplemented by a statement, signed by the executor, administrator or trustee, to the effect that such real estate is subject to the payment of an inheritance tax under this act, to be filed in the

*amended 77*  
*chap repealed*  
*1907-08*

office of the county recorder in each county where each particular part of said real estate is situated, and no conveyance of said estate, or any interest therein, which is subject to such tax, before or after the filing of such statement, shall discharge the estate so conveyed from the operation thereof.

**Sec. 3. Tax on real estate to be paid within fifteen months.** All the real estate of the decedent subject to such tax shall, except as hereinafter provided, be appraised within thirty days next after the appointment of an executor, administrator or trustee, and the tax thereon, calculated upon the appraised value after deducting debts for which the estate is liable, shall be paid by the persons entitled to said estate within fifteen months from the approval by the court of such appraisement, unless a longer period is fixed by the court, and, in default thereof, the court shall order the same, or so much thereof as may be necessary to pay such tax, to be sold.

**Sec. 4. Tax on estate for life or term of years. Remainder.** Whenever any real estate of a decedent shall be subject to such tax, and there be a life estate or interest for a term of years given to one party or parties, and the remainder to another party or parties, the court shall direct the interest of the life estate, or term of years, to be appraised at the actual market value thereof, and, upon the approval of such appraisement by the court, the party entitled to such life estate, or term of years, shall, within sixty days thereafter, pay such tax, and in default thereof the court shall order such interest in said estate, or so much thereof as shall be necessary to pay such tax, to be sold. Upon the determination of such life estate, or term of years, the court shall, upon its own motion, or upon the application of the State Treasurer, cause such estate to be appraised at its then actual value, from which shall be deducted the value of any improvements thereon, or betterments thereto, if any, made by the remainder man during the time of the prior estate, to be ascertained and determined by the appraisers, and the tax on the remainder shall be paid by such remainder man within sixty days from the approval by the court of the report of the appraisers. If such tax is not paid within said time, the court shall then order said real estate, or so much thereof as shall be necessary to pay such tax, to be sold. Whenever any personal estate of a decedent shall be subject to such tax and there be a life estate or interest for a term of years given to one party or parties, and remainder to another party or parties, the court shall inquire into and determine the value of the life estate or interest for the term of years and order and direct the amount of the tax thereon to be paid by the prior estate and that to be paid by the remainder man, each of whom shall pay his proportion of such tax within sixty days from such determination, unless a longer period is fixed by the court, and, in default thereof, the executor, administrator or trustee shall pay the same out of said property and hold the same from distribution, and invest it at interest under the order of the court until said tax is paid, or until the interest on the same equals the amount of such tax, which shall thereupon be paid.

**Sec. 5. Where bequest is in lieu of compensation to executor or trustee.** Whenever a decedent appoints one or more executors or trustees and in lieu of his or their allowance or commission makes a bequest or devise of property to him or them, which would otherwise be liable to said tax, or appoints them as residuary legatees, and said bequests, devises or residuary legacies exceed what would be a reasonable compensation for his or their services, such excess shall be liable to such tax, and the court having jurisdiction of his or their accounts, upon its own motion or on application of the State Treasurer, shall fix such compensation.

**Sec. 6. Where legacy is a charge upon real estate.** Whenever any legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator, trustee or State Treasurer, and the same shall remain a charge and be a lien upon said real estate until it is paid, and payment thereof shall be enforced by the executor, administrator, trustee or State Treasurer in his name of office, in the same manner as the payment of the legacy itself could be enforced.

**Sec. 7. Executor etc., to collect tax.** Every executor, administrator or trustee having in charge or trust any property subject to said tax, and which is made payable by him, shall deduct the tax therefrom, or shall collect the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

**Sec. 8. Taxes to be paid to State Treasurer within fifteen months. Interest.** All taxes imposed by this act shall be payable to the State Treasurer, and those which are made payable by executors, administrators or trustees shall be paid within fifteen months from the death of the testator or intestate, or within fifteen months from assuming of the trust by such trustee, unless a longer period is fixed by the court. All taxes not paid within the time prescribed in this act shall draw interest at the rate of eight per centum per annum until paid.

**Sec. 9. Executor, etc., to collect tax. Excepted cases to be collected by State Treasurer.** It is hereby made the duty of all executors, administrators or trustees charged with the management or settlement of any estate subject to the tax provided for in this act, to collect and pay to the State Treasurer the amount of the tax due from any devisee, legatee, grantee or donee of the decedent, except in cases falling under the provisions of sections four and five hereof, in which cases the State Treasurer shall collect the same. Applications may be made to the district court by such executor, administrator, trustee or State Treasurer to sell the real estate subject to said tax in an equitable action, or, if made to the court having charge of the settlement of said estate, the proceedings shall conform as nearly as may be to those for the sale of real estate of a decedent for the settlement of his debts.

Sec. 10. **Appraisements, how made.** All appraisement of real estate subject to such tax shall be made and filed in the manner provided for appraisement of personal property. When such real estate is situated in another county, the same appraisers may serve, or others may be appointed.

*Amended '03  
p. 77.*  
Sec. 11. **Executor, etc., to file description of real estate with State Treasurer.** Whenever any real estate of a decedent shall so pass, either in possession and enjoyment or in remainder as to be subject to such tax, the executor, administrator or trustee, within six months after he has assumed the duties of his trust, shall file with the State Treasurer a description of such real estate, giving the name of the county where the same is situated, the name of the decedent, the name of the person or persons to whom it so passes, whether the same passes in possession and enjoyment in fee, for life or for a term of years (naming the term of years), and if a prior estate is created, he shall give the name of the remainder man.

Sec. 12. **Executor, etc., to file copy of appraisement with State Treasurer.** As soon as any such real estate is appraised it shall be the duty of the executor, administrator or trustee, if he has not been discharged, and if he has been finally discharged, then it shall be the duty of the clerk to file with the State Treasurer a copy of such appraisement, stating also the amount of tax to be paid and within what time ordered to be paid.

Sec. 13. **No settlement allowed until tax paid.** No final settlement of the account of any executor, administrator or trustee shall be accepted or allowed unless it shall show, and the court shall find, that all taxes imposed by the provisions of this act upon any property or interest therein belonging to the estate to be paid by such executors, administrators or trustees, and to be settled by said account, shall have been paid, and the receipt of the State Treasurer for such tax shall be the proper voucher for such payment.

Sec. 14. **District court to have jurisdiction.** The district court having either principal or ancillary jurisdiction of the settlement of the estate of the decedent shall have jurisdiction to hear and determine all questions in relation to said tax that may arise affecting any devise, legacy or inheritance, or any grant or gift, under this act, subject to appeal as in other cases, and the State Treasurer shall in his name of office represent the interests of the state in any such proceedings.

Approved this 14th day of March, 1901.



## CHAPTER 63.

## PUBLICATION AND DISTRIBUTION OF MARKS AND BRANDS.

AN ACT to amend section 45 of the Revised Statutes of Utah, 1898, relating to marks and brands, and defining certain duties of the recorder of marks and brands with respect thereto.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 45 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

Sec. 45. **Record to be compiled, printed and distributed.** The recorder of marks and brands shall, after re-recording said marks and brands, collate, compile and index in a record of suitable size, all such marks and brands, and shall furnish the county clerks of the various counties in the state with sufficient copies of said records for the use of such clerks and constables in said counties, and shall hold for sale and shall sell at a uniform price to be fixed by the board of examiners the remaining copies at not less than twenty-five per cent. in addition to the price per copy paid for printing and binding; *provided*, that the state board of examiners may, if in its judgment the best interest of the state may be subserved thereby, let the publication of said records of marks and brands to the lowest responsible bidder who shall be permitted to sell said books at a uniform price, not to exceed the sum of two dollars and fifty cents per copy.

Approved this 14th day of March, 1901.

## CHAPTER 64.

*amended - 03 - p. 14.*

## ANNUAL PUBLICATION OF MARKS AND BRANDS.

AN ACT to amend section 40 of the Revised Statutes of Utah, 1898, relating to marks and brands, and defining certain duties of the recorder of marks and brands with respect thereto.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 40 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

40. **Recorded marks and brands to be published annually.** The State Auditor shall prepare once a year, or as often as he may deem expedient, a list of all recorded marks and brands which have not been previously published, and he shall cause a thousand copies of the same to be printed at public expense, in pamphlet or other convenient form, for distribution. Immediately after publication he shall gratuitously distribute to the county clerks of the various counties in the state a sufficient number of copies to supply said county clerks and the constables in said counties.

Approved this 14th day of March, 1901.

## LAWS OF UTAH.

### CHAPTER 65.

#### STATE BOARD OF EQUALIZATION.

AN ACT to amend section 2583 of the Revised Statutes of Utah, 1898, creating a state board of equalization, providing the manner of its appointment, fixing the terms of office and salaries of its members, providing the manner of its organization, defining its duties, and terminating the term of office of the members of the board of equalization now existing.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2583 of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

2583. **Appointment. Term. Duties of.** The Governor shall nominate and by and with the consent of the senate, appoint four residents of the state of Utah to constitute the state board of equalization, not more than two of whom shall belong to the same political party. Of the members first appointed two shall hold office for a term of two years and two for a term of four years and thereafter each shall hold his office for four years and until his successor is appointed and qualified, and each shall receive an annual salary of \$800.00 payable quarterly out of the state treasury. They shall elect a president and a secretary from among their number, and shall, as a board or by committee thereof, in addition to other duties required by law, visit each county in the state annually and examine the assessment books and all other books in relation to taxation in each county. The terms of office of the members of the state board of equalization, heretofore appointed, shall terminate and cease upon the taking effect of this act.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

### CHAPTER 66.

#### OUTSTANDING JUROR AND WITNESS CERTIFICATES.

AN ACT providing for the examination of outstanding witness and juror certificates of district courts of the Territory of Utah with a view of determining the amount thereof and the liability of the state therefor and barring from payment all certificates not presented within the time prescribed in this act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Outstanding juror and witness certificates must be presented to state board of examiners. That for the purpose of ascertaining the amount of the outstanding certificates issued by clerks of the district courts of the Territory of Utah to persons serving as

jurors in civil and criminal cases or testifying as witnesses therein in criminal cases and determining the liability of the state thereon, all persons holding any of such certificates are required to present the same to the state board of examiners before the first day of September, 1902. Any person presenting any of such certificates who holds the same by purchase, must, in connection with such certificate, present a verified statement showing when he purchased each of such certificates and the price paid therefor.

**Sec. 2. Board must examine and report to Legislature.** The board of examiners must examine all certificates so presented and make a report thereon to the next regular session of the Legislature during the first week thereof.

**Sec. 3. Certificates not presented barred from payment.** Any such certificate not presented within the time and in the manner prescribed by this act shall be absolutely barred from payment by the state.

Approved this 14th day of March, 1901.

## CHAPTER 67

### SALE OF STOCKS OF MERCHANDISE IN BULK.

AN ACT relating to the sale of stocks of merchandise in bulk; providing the mode of procedure in such sales and providing a penalty for any infraction thereof.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Sale of merchandise in certain cases without notice is void.** A sale of any portion of a stock of merchandise otherwise than in the ordinary course of trade, and in the regular and usual prosecution of the seller's business, or a sale of an entire stock of merchandise in bulk, is fraudulent and void as against the creditors of the seller, unless the seller and purchaser shall at least five days before the sale make a full and detailed inventory, showing the quantity, and so far as possible, with the exercise of reasonable diligence, the cost price to the seller of each article to be included in the sale, and unless such purchaser shall at least five days before the sale, in good faith, make full and explicit inquiry of the seller as to the names and places of residence or places of business of each and all of the creditors of the seller, and the amount owing each creditor, and unless the purchaser shall at least five days before the sale, in good faith, notify, or cause to be notified, personally or by registered mail, each of the seller's creditors of whom the purchaser has knowledge or can with the exercise of reasonable diligence acquire knowledge, of said proposed sale, and of the said cost price of the

*Read manuscript  
by Supreme Court March  
12, 1904*

merchandise to be sold and of the price proposed to be paid therefor by the purchaser.

**Sec. 2. Penalty.** Any person wilfully selling or buying any stock of goods in any manner other than in this act provided, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subjected to a fine of not less than fifty dollars, nor more than three hundred dollars.

Approved this 14th day of March, 1901.

---

## CHAPTER 68.

### STATE BOARD OF LABOR, CONCILIATION AND ARBITRATION.

AN ACT to create a state board of labor, conciliation and arbitration, for the investigation and settlement of differences between employers and their employees; to define the power and duties of the said board; fixing its members' compensation, and repealing chapter 1, of title 36 of the Revised Statutes of Utah, 1898.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Appointment. Qualifications. Term.** Upon the approval of this act the Governor, by and with the consent of the senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a state board of labor, conciliation and arbitration. One shall be an employer of labor; another shall be an employee and be selected from some labor organization; the third shall be some person who is neither an employee nor an employer of manual labor, and shall be chairman of the board. One shall serve for one year, one for three years, and one for five years, as may be designated by the Governor at the time of their appointment. At the expiration of their terms their successors shall be appointed in like manner for the term of four years. Should a vacancy occur at any time, the Governor shall, in the same manner, appoint some one to serve the unexpired term, and until the appointment and qualification of his successor. Each member of said board shall, before entering upon his duties, take the constitutional oath of office. The board shall select from its members a secretary and shall establish suitable rules of procedure.

**Sec. 2. Duty of board when strike or lock-out is threatened.** Whenever it shall come to the knowledge of the said board that a strike or lockout is seriously threatened in the state, involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the said board to put itself into communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement. Said board shall also request each of the parties to forward, to its secretary, an application for arbitration.

**Sec. 3. Duty of board after application to arbitrate received.** As soon as practicable, after receiving such applications, the board shall request each of the parties to the dispute to agree upon a written statement of facts, relating to the controversy, and to submit the same to the board; *provided*, that, when such agreement and statement cannot be reached, each of said parties may separately submit to the board a written statement of grievances. Applications to the said board for arbitration on the part of employers must precede any lockout, and, on the part of the employee, any strike; *provided*, that, in case a lockout or strike already exists, the board shall accord arbitration if the parties shall resume their relations with each other, as employers and employees. Said applications shall include a promise to abide by the decision of the board and shall be signed by the employer or employers, or his or their authorized agent, on the one side, and by a majority of his or their employees on the other.

**Sec. 4. Board to arbitrate. May employ stenographer.** As soon as practicable, after receiving said applications, the board shall proceed to arbitrate. When it shall be necessary, in the judgment of said board, it may engage the services of a stenographer to take and transcribe an account of any arbitration proceedings.

**Sec. 5. May subpoena witnesses. General powers.** The board shall have power to summon as witnesses by subpoena any operative or expert in the departments of business affected, and any person who keeps the record of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses, and to require the production of books, papers and records. In case of disobedience to a subpoena the board may invoke the aid of any court in the state in requiring the attendance and testimony of witnesses, and the production of books, papers and documents under the provisions of this section. Any of the district courts of the state, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy, or refusal to obey a subpoena issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof.

**Sec. 6. Mayors and sheriffs to notify board of threatened strikes or lockouts.** It shall be the duty of mayors of cities and sheriffs of counties, when any condition likely to lead to a strike or lockout exists, in the cities, or districts where they have jurisdiction, to immediately forward information of the same to the secretary of the state board of conciliation and arbitration. Such information shall include the names and addresses of persons who should be communicated with by the board.

**Sec. 7. Sheriff to serve process.** Any notice or process issued by the state board of labor, conciliation and arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service, without charge.

**Sec. 8. Decision of board.** As soon as practicable, after the board has investigated the differences existing between employer and employees, it shall make an equitable decision, which shall state what, if anything, should be done by either or both parties to the dispute, in order to amicably settle and adjust the differences existing between them. The findings of a majority of the board shall constitute its decision.

**Sec. 9. Decision to be recorded and made public.** This decision shall at once be made public; shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in an annual report to be made to the Governor before the first day of March, of each year.

**Sec. 10. Compensation of members.** The members of the board shall each receive a compensation of four dollars for each day's services, while engaged in arbitration, said compensation to be paid by the parties to the controversy in such proportion as the board may decide; they shall also receive the actual and necessary expenses incurred in the performance of their official duties, which expenses shall be paid out of the state treasury.

**Sec. 11. Repeal.** Chapter 1 of title 36 of the Revised Statutes of Utah, 1898, is hereby repealed.

**Sec. 12.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 69.

### DISTRICT ATTORNEYS.

AN ACT defining the powers and duties of district attorneys, and providing for clerks in certain judicial districts.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Duties.** It shall be the duty of the district attorney to appear for the state in the district court of his district, in all criminal prosecutions, and in all civil cases, in which the state may be interested, and render such assistance as may be required by the Attorney General in all such cases that may be appealed to the supreme court; he shall attend the deliberations of the grand jury; he shall draw all indictments and informations for offenses against the laws of this state within his district and shall cause all persons indicted or informed against to be speedily arraigned; he shall cause all witnesses for the state to be subpoenaed to appear before the court or grand jury; he shall examine carefully into the sufficiency of all appearance bonds that may be tendered to the district court of his district, and, upon the order of the court, shall institute pro-

*revised 03  
p. 64*

ceedings in the name of the state for recovery upon the forfeiture of any appearance or other bonds running to the state and enforce the collection thereof.

Sec. 2. **Ib.** The district attorney shall, when not conflicting with other official duties, attend to all legal business required of him in his district by the Attorney General, without charge, when the interests of the state are involved. Any district attorney may, whenever he deems it necessary, appear and prosecute before any justice of the peace within his district in the preliminary examination of any person charged with felony.

Sec. 3. **May employ clerk.** Each district attorney in judicial districts having a population of seventy-five thousand inhabitants (75,000) or more shall have power to employ a clerk, at a salary of nine hundred dollars per annum whose compensation shall be paid quarterly by the state, out of the state treasury.

Sec. 4. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 70.

### ADULTERATED DAIRY PRODUCTS.

AN ACT to amend section 733 of the Revised Statutes of Utah, 1898, prohibiting certain injurious chemicals in milk or cream, or the products thereof, and providing a penalty for a violation of this act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 733 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

733. **Use of injurious chemicals.** Any person or persons or corporation who shall sell or offer for sale, consign, or have in his possession with intent to sell or otherwise dispose of to any person or persons, or corporation, any milk, cream, butter, cheese, or other dairy products, or who shall deliver to any creamery or cheese factory, milk or cream to be manufactured into butter or cheese, to which boracic acid, formaldehyde, or salicylic acid, or compounds containing them, or any other antiseptics have been added, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than ten or more than one hundred dollars for each and every offense.

Approved March 14th, 1901.

## CHAPTER 71.

## DAIRY AND FOOD COMMISSIONER'S DUTIES.

AN ACT to amend section 2447 of the Revised Statutes of Utah, 1898, as amended by chapter 41 of the Laws of Utah, 1899, defining the duties of the dairy and food commissioner.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2447 of the Revised Statutes of Utah, 1898, as amended by chapter 41 of the Laws of Utah, 1899, be and the same is hereby amended to read as follows:

2447. To enforce laws. Inspection by. It shall be the duty of the commissioner and he is hereby invested with the powers to enforce all laws that now exist or that may hereafter be enacted in this state regarding the production, manufacture or sale of dairy and creamery products, or the adulteration of any article of food or drink or any drug; and regarding the use of skimmed or adulterated milk and the feeding unwholesome food to cattle and the keeping of cattle having infectious or contagious diseases; and said commissioner shall personally, or by his deputy, inspect any article of milk, butter, cheese, meat, vegetables, lard, syrup, coffee, tea or any other article of food or drink made or offered for sale within this state which he may suspect, or have reason to believe, to be impure, unhealthy, adulterated or counterfeit. He shall also visit and inspect the various cheese and butter factories of the state and shall have power to enforce proper sanitary regulations in their management and surroundings. And said commissioner shall personally, or by his deputy, when complaint is made of the violation of any law relating to the feeding or keeping upon the premises for the purpose of feeding, any unwholesome food for cattle, or the keeping of cattle afflicted with any contagious or infectious disease, immediately investigate said charge and may prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations violating any of the laws of this state which it is the duty of said commissioner to enforce.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 72.

## FRAUDULENT VOTING AT PRIMARIES.

AN ACT to prohibit and punish fraudulent voting at primaries, and also to punish tellers and other officers, who make false returns, and to punish persons who vote at more than one primary.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Only legal voters can vote at primaries. That any person who is not a legal voter at any election following any primary, in this state, who shall vote or attempt to vote at such



primary, or any person who shall vote or attempt to vote at more than one primary held in the same or different precincts, wards or cities, or who shall attempt to vote or shall vote at any primary in any precinct, ward or city, where such person does not reside and is not entitled to vote, shall be deemed guilty of a misdemeanor.

Sec. 2. **Receiving unlawful vote, etc.** Any person, teller, or officer at any primary who shall intentionally receive the vote of any individual who is known to him not to be entitled to vote, or any person who shall in any manner fraudulently and unlawfully deposit, or put any ballots into, or take any ballots from the ballot box or other receptacle for the deposition of ballots at such primary election, or shall fraudulently and unlawfully mix any ballots cast at any primary election, or shall intentionally make any false account, statement or return of the ballots cast or the vote taken at such primary, shall be deemed guilty of a misdemeanor.

Sec. 3. This act shall take effect upon approval.

Approved March 14th, 1901.

---

## CHAPTER 73.

### SALARIES OF CERTAIN STATE OFFICERS.

**AN ACT fixing the salaries of certain state officers, and providing for payment thereof.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Salaries of certain state officers fixed.** The annual salaries of the following state officers are hereby fixed as follows: Governor, four thousand dollars; Secretary of State, three thousand dollars; State Treasurer, fifteen hundred dollars; State Auditor, two thousand dollars; Attorney General, two thousand dollars; State Superintendent of Public Instruction, eighteen hundred dollars.

Sec. 2. **To be paid quarterly.** The salaries of the state officers in section one specified shall be paid quarterly, and the State Auditor shall draw his warrant on the State Treasurer at the end of each quarter for the amount of salary due each of such officers.

Approved this 14th day of March, 1901.

## CHAPTER 74.

## REGULATING THE INSURANCE BUSINESS.

AN ACT regulating the transaction of insurance business (other than life), in this state by foreign insurance companies, requiring the same to be done through resident agents, prescribing certain duties of the Secretary of State, in relation thereto, and prescribing certain penalties for the violation of the same.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** Policies written by foreign insurance companies must be countersigned by local agent. That no insurance company or association (other than life) not incorporated under the laws of this state, shall make, write or place any policy or contract of insurance of any kind or character, binding in law upon any person or property situated or located in this state, except after the said risk has been approved by an agent resident of this state, regularly commissioned and licensed to transact insurance business in Utah for said company, who shall countersign all policies so issued and receive the regular commission thereon, and also to the end that the state may receive the taxes required by law to be paid on the premiums collected for insurance written herein. This section shall not apply to reinsurance policies nor insurance covering the rolling stock of railroad corporations, where such railroad line lies partially within and partially without the state of Utah, or to property in transit while in the possession and custody of common carriers.

**Sec. 2. Secretary of State shall investigate violations.** Whenever the Secretary of State shall receive information that any company or association has violated any provisions of this act, he is authorized, at the expense of such company or association, to examine by himself, or his accredited representative, at any office of such company or association as he may deem proper, all books and records of such company or association, and may examine under oath its officers and agents as to such violations. The refusal to submit to such examinations, or to exhibit books and papers for inspection, shall be conclusive evidence of a violation of the provisions of section 1 of this act, and shall subject the said company or association to the penalties herein prescribed.

**Sec. 3. Penalty.** Any company or association wilfully violating any of the provisions of this act shall be subject to a penalty of three hundred dollars for each and every violation thereof and for each failure to observe and comply with any provision of this act; such penalty may be recovered in an action brought by the Attorney General for the state in any court having jurisdiction thereof. Any insurance company or association neglecting or refusing for thirty days after judgment to pay the same, shall have its authority to transact business in this state revoked by the Secretary of State, and such revocation shall continue one year from the date thereof; nor shall any such company or association be permitted to transact

business herein until such judgment has been paid and it has filed with the Secretary of State a satisfactory certificate to the effect that the terms and obligations of the provisions of this act are accepted by it as a part of the conditions of its right and authority to transact business in this state.

Sec. 4. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 75.

### CONTINGENT EXPENSES OF THE LEGISLATURE.

**AN ACT to provide for the payment of regular and contingent expenses of the fourth session of the Legislature of the State of Utah.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Appropriation for contingent expenses of Legislature.** That the sum of twenty-five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the funds of the state treasury for the purpose of defraying the regular and contingent expenses of the fourth session of the Legislature; and the State Auditor shall draw his warrant on the Treasurer for such money, or any portion thereof, upon the request, in writing of the president and secretary of the Senate, and the speaker and chief clerk of the House of Representatives.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 76.

### SAN JOSE SCALE.

**AN ACT making an appropriation for the extermination of the San Jose scale.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Appropriation for the extermination of the San Jose scale.** That the sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the extermination of the San Jose scale, with which the trees and shrubbery of this state are or may hereafter be infected.

Sec. 2. To be paid on order of the Governor. That said money so appropriated shall be paid out on the order of the Governor under such limitations, rules and regulations, as may be prescribed by the state board of horticulture, and for the purpose of destroying said scale only.

Approved this 14th day of March, 1901.

---

## CHAPTER 77.

### STORAGE OR TRANSPORTATION OF DANGEROUS EXPLOSIVES.

AN ACT relating to the marking of explosives, inflammable substances or dangerous acids, chemicals and compounds for storage or transportation, and providing penalties for the violation of this act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Penalty for delivering dangerous explosive for storage or transportation. That every person who knowingly leaves with or delivers to another, or to any express or railway company or other common carrier, or to any warehouse or storehouse any package containing nitro-glycerine, dynamite, guncotton, gunpowder, or other highly explosive compound, or any benzine, gasoline, phosphorus, or other highly inflammable substance or any vitriol, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored, shipped or transported, without plainly marking and indicating on such package the name and nature of the contents thereof, is guilty of a misdemeanor, and punishable by a fine not exceeding three hundred dollars, or by imprisonment in the county jail not exceeding six months.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 78.

### NOTICE OF SALE OF PROPERTY FOR TAXES.

AN ACT to amend section 2620 of the Revised Statutes of Utah, 1898, relating to the publication of and the contents of the notice of sale of property for taxes.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2620 of the Revised Statutes of Utah, of 1898, be and the same is hereby amended to read as follows:

2620. Publication delinquent tax list. Contents. On or before the first Monday of December of each year, the county treasurer must, under the direction of the county commissioners, publish the

delinquent list, which must contain the names of the owners when known and the description of the property delinquent or subject to a lien of taxes, classified in towns and cities by addition, subdivision, plat, block and lot, and other lands by range, township and section, or legal subdivision thereof, with the amount of taxes due, exclusive of cost. The county treasurer must publish with such list a notice that unless the delinquent taxes together with the costs of publication are paid before the third Monday of December, the real property upon which such taxes are a lien will be sold for taxes and costs, beginning on said date, at the front door of the county court house. Publication must be commenced on or before the first Monday of December, and shall be made for a period of ten days thereafter, in a newspaper having a general circulation in the county; *provided*, that it shall not be necessary to publish in said delinquent list, any property upon which the county has taken a tax deed and to which the county still retains title.

Approved this 14th day of March, 1901.

---

## CHAPTER 79.

### JUDGMENTS FOR TAXES UNLAWFULLY COLLECTED.

AN ACT to amend section 2685, of the Revised Statutes of Utah, 1898, relating to judgments for taxes unlawfully collected.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2685 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

2685. **Payment under protest. Judgment for plaintiff. Repayment.** In case it be determined in such action that said tax or license, or any portion thereof so paid under protest, was unlawfully collected, judgment for recovery thereof and lawful interest thereon, together with costs of action, shall be entered in favor of the plaintiff, and upon being presented with a duly authenticated copy of such judgment, the proper officer or officers of the county or municipality whose officers collected or received such tax or license shall audit and allow such judgment, and cause a warrant to be drawn on the treasury of that county or municipality for the amount recovered by said judgment in favor of the legal holder thereof; and] when any such judgment has been or may hereafter be obtained against a county, and any portion of the taxes included in the judgment were state, state school, county or district school taxes which have been or may hereafter be paid over to the state, state school, county school, or to any school district, by such county, the proper officer or officers of the state, state school, county school or any school district shall upon demand by such county, cause a warrant to be drawn upon the treas-

urer of the funds of the state, state school, county school or any school district, and in favor of such county for the amount of such taxes received by the state, state school, county school or any school district, together with legal interest thereon and an equitable portion of the costs of the action.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 80.

### CHURCH AND CHARITABLE INCORPORATIONS.

AN ACT providing for the incorporation of churches and religious societies.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Corporations for religious or charitable purposes.** Corporations may be formed for acquiring, holding and disposing of church or religious society property for the benefit of religion, for works of charity and for public worship, in the manner hereinafter provided in this act.

Sec. 2. **Articles of incorporation.** Any person being the archbishop, bishop, overseer, presiding elder, rabbi or clergyman of any church or religious society who shall have been duly chosen, elected or appointed, in conformity with the constitution, canons, rights, regulations or discipline of said church or religious society, and in whom shall be vested the legal title to the property of such church or religious society, may make and subscribe written articles of incorporation in duplicate, and acknowledge the same before some officer authorized to take acknowledgments, and file one of such articles in the office of the Secretary of State and retain possession of the other.

Sec. 3. **Id. Contents.** The articles of incorporation shall specify:

First.—The name of the corporation, by which it shall be known.

Second.—The object of said corporation.

Third.—The estimated value of the property at the time of making the articles of incorporation.

Fourth.—The title of the person making such articles.

Sec. 4. **Powers of corporation. Sale of real estate.** Upon making and filing for record articles of incorporation as herein provided, the person subscribing the same and his successor in office by the name or title specified in the articles, shall thereafter be deemed, and is hereby created, a body politic and a corporation sole, with continual perpetual succession, and shall have power to acquire and possess by donation, gift or purchase, and to retain and enjoy prop-

erty, real, personal and mixed, and to sell, grant, convey, rent or otherwise dispose of the same, as may be necessary to carry on or promote the objects of the corporation. *Provided*, that real estate shall not be mortgaged, encumbered, leased, sold or conveyed without the consent of a majority of the members of the church or religious society present at a meeting duly called for that purpose, upon not less than fourteen days' notice to be given by publication in some newspaper having general circulation in the place where such corporation has its principal office, or if there be no such newspaper, then by posting on the door of the usual meeting place or places; such notice shall state the time, place and object of the proposed meeting.

Sec. 5. *Id.* Such corporations shall have the power to contract and be contracted with, to sue and be sued, plead and be pleaded in all courts of justice, and to have and use a common seal by which all deeds and acts of such corporation may be authenticated.

Sec. 6. **Deeds and other instruments, execution of.** All deeds and other instruments of writing shall be signed by the person representing the corporation, in the official capacity designated in the articles of incorporation, and be sealed with the seal of the corporation, an impression of which seal shall be filed in the office of the Secretary of State.

Sec. 7. **Proof of corporation.** The articles of incorporation, or a certified copy of those filed and recorded in the office of the Secretary of State, shall be evidence of the existence of said corporation.

Approved this 14th day of March, 1901.

*Repealed in  
p. 62*

## CHAPTER 81.

### GENERAL CORPORATIONS.

AN ACT to amend sections 315 and 316, of the Revised Statutes of Utah of 1898, providing for the formation of general corporations, and ratifying the incorporation of certain corporations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 315 and section 316, of the Revised Statutes of Utah, 1898, be amended to read as follows:

**315. Articles of Agreement. Contents.** The incorporators shall enter into an agreement in writing, signed by each of them, and sworn to by at least three of their number, as hereinafter provided, before the county clerk or any notary public of the county in which they have established or intend to establish their principal place of business, stating:

1. The name of the incorporation.
2. The precinct or city where it is organized.
3. The names of the incorporators and their places of residence.
4. The time of its duration, which shall not in any case be less than three nor more than one hundred years.
5. The pursuit or business agreed upon, specifying it in general terms.
6. The place of its general business.
7. The amount of stock each party has subscribed.
8. The amount of each share, and the limit of capital stock agreed upon.
9. The number and kind of officers, their qualifications and term of office, and the time and manner of their election, removal, and resignation, with the names of the officers to serve until the first general election: *provided*, that in no case shall the number of directors be less than three nor more than twenty-five.
10. How many of the entire board of directors shall be necessary to form a quorum and be authorized to transact the business and exercise the corporate powers of the corporation: *provided*, that a quorum shall not be less than one-fourth of the entire number.
11. Whether or not the private property of the stockholders shall be liable for its obligations.
12. Such additional clauses as the incorporators deem necessary for conducting the business of the corporation and for its future safety and welfare.

316. **Oath.** Subscriptions paid in property. To the agreement prepared in accordance with the provisions of the preceding section, there shall be added the oath or affirmation of three or more of the incorporators taken before any officer duly authorized to administer an oath, to the effect that they have commenced, or it is bona fide their intention to commence and carry on, the business mentioned in the agreement, and that the affiants verily believe that each party to the agreement has paid or is able to and will pay the amount of the stock subscribed for by him; *provided*, that said affidavit shall not be made until at least ten per cent. of the stock subscribed by each stockholder and not less than ten per cent of the capital stock of the corporation has been paid in; *provided, further*, that where subscriptions to the capital stock of any corporation formed under the provisions of this chapter shall consist, in whole or in part, of property necessary to the pursuit agreed upon, there must appear in the articles of incorporation a description of the property so taken with a statement of the fair cash value thereof, which statement, except in the case of corporations organized for mining or irrigating purposes, shall be supplemented by the affidavits of three persons, to the effect that they are acquainted with said property and that it is reasonably worth the amount in cash for which it was accepted by the corporation; and the owners of such property shall be deemed to have subscribed such amount to the capital stock of such corporation as will represent the fair estimated cash value of so much of such property, or of such interest therein,

amended  
 169-05-



as they may have conveyed to such corporation by deed actually executed and delivered.

**Sec. 2. Former corporations validated.** Corporations or companies having heretofore filed their articles of incorporation without having formally acknowledged the same, but the same having been sworn to by three or more persons as provided in section 316 of the Revised Statutes, said act of filing and swearing to said articles shall be deemed equivalent to having acknowledged and sworn to such articles, and such companies having otherwise substantially complied with the law, shall be deemed and are hereby declared to be bodies corporate.

**Sec. 3.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 82.

### HIGH SCHOOLS.

**AN ACT** amending section 1830 of the Revised Statutes of Utah, 1898, authorizing school trustees to establish and maintain high schools in certain cases.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 1830, chapter 7 of the Revised Statutes of Utah, 1898, is hereby amended to read as follows:

**1830. High schools may be established.** The trustees of any school district having a population of over one thousand, when authorized by a majority vote of the property tax payers resident in the district present at an annual or at a special meeting called for the purpose, may establish and maintain a high school, in which pupils may be instructed in higher branches of education than those usually taught in the district schools; and pupils over eighteen years of age may be admitted to, and instructed in such schools on such terms as to tuition and otherwise, as the trustees may prescribe.

Approved this 14th day of March, 1901.

---

## CHAPTER 83.

### STATE PRISON LIBRARY FUND.

**AN ACT** to amend section 2278 of the Revised Statutes of Utah, 1898, relating to rules for admission of visitors to state prison, and to library fund of state prison.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 2278 of Revised Statutes of the state of Utah, 1898, relating to rules for admission of visitors to state prison, and library fund of state prison be and the same is hereby amended to read as follows.

**2278. Visitors' admission fee for library fund.** It shall be lawful for the board to establish rules for the admission of visitors within the prison, and it may prescribe a reasonable sum, not more than twenty-five cents, to be charged each individual for one admission. The warden shall procure suitable tickets which shall be held by the clerk. The clerk shall keep an account of the sales thereof, and pay over the money received to the warden daily. The gate-keeper at the prison entrance shall receive the tickets, and shall deliver them each day to the warden before the prison is closed. It shall be the duty of the board to appropriate annually out of the fees received from visitors such sum as the board may determine for the purchase of books to be kept at the prison for the use of convicts.

Approved this 14th day of March, 1901.

---

## CHAPTER 84

### INVESTMENT OF SINKING FUNDS.

**AN ACT** to provide for the investment of sinking funds created by any subdivision in the state.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Sinking funds of any subdivision of state may be invested.** The city council of every city, the board of county commissioners of every county, the board of education of every city, the trustees of every school district, the directors of every irrigation district in the state of Utah, may cause any sinking fund, now existing or hereafter created by authority of the laws of the state, to be invested in any legal and lawful bonds bearing interest, issued by any city, county, or school district, in the state of Utah or by the state of Utah. Whenever such bonds are on the market at a fair and reasonable value, and the money in any said sinking funds exceed the amount of any bond or bonds for which said fund was created, then such fund shall be used to redeem said bond or bonds at the market value thereof, and the custodians of any said sinking fund are hereby authorized to buy such bond or bonds.

Approved this 14th day of March, 1901.

## CHAPTER 85.

## COAL MINES.

**AN ACT** providing for the appointment of a coal mine inspector, defining his duties, fixing his salary and providing for the inspection of coal and hydro-carbon mines; providing for the health and safety of the persons employed therein, and for the protection of property connected therewith, and repealing chapter 2, title 42 of the Revised Statutes of Utah, 1898.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Mine inspector for coal to be appointed.** For the purpose of securing an efficient and thorough inspection of coal and hydro-carbon mines within the state of Utah and to provide for an adequate force therefor, the Governor shall appoint, by and with the consent of the senate, one mine inspector for coal and hydro-carbon mines. The inspector so appointed shall hold his office for the term of four years from the date of his appointment and until his successor is appointed and qualified. *Provided;* that such inspector may be removed at the pleasure of the Governor. In case of resignation, death or removal, the vacancy shall be filled by the Governor for the unexpired term.

**Sec. 2. Salary and expenses.** The said inspector of coal and hydro-carbon mines shall receive a salary of two thousand (\$2,000) dollars a year and actual necessary traveling expenses incurred in the proper discharge of his official duties, to be paid quarterly by the State Treasurer out of any moneys appropriated for that purpose, on the certificate of said inspector of mines showing service rendered, and also on presentation of the certificate of said inspector of coal and hydro-carbon mines showing a statement of all moneys received by him for fees, and the actual amount necessarily expended for actual traveling expenses for the quarter; and on presentation of such certificates the State Auditor shall issue his warrant for the amount thereof, to be paid out of any appropriations aforesaid. He is hereby authorized to procure such instruments and stationery from time to time as may be necessary to the proper discharge of his duties under this act, at the expense of the state, which shall be paid by the State Treasurer upon accounts duly certified by him and audited by the proper department of the state.

**Sec. 3. Bond. Qualifications of inspector.** Before entering upon the discharge of his official duties, the inspector shall give a bond to the state in the sum of ten thousand (\$10,000) dollars, to be approved by the proper officers, conditioned for the faithful performance of his duties. Said bond shall be deposited with the Secretary of State. The person so appointed must be a citizen of Utah, and must have attained the age of thirty years. He must have a knowledge of different systems of working coal mines, and he must produce satisfactory evidence to the Governor of having had at least five years' practical experience in the coal mines of Utah. He must

*Repealed Chap. 2, Title 42  
Rev Stat. 1898. p. 221-05*

have had experience in coal mines where noxious and explosive gases are evolved. He must hold the certificate of examination required by law to be held by mine foremen of the state.

**Sec. 4. Shall give whole time to office.** The said inspector shall not act as manager or agent or lessee for any mining or other corporation during his term of office, but shall give his whole time and attention to the duties of his office.

**Sec. 5. Mine owners to render assistance. Penalty for refusal.** Every owner, agent, manager or lessee of any coal or hydro-carbon mines in this state shall freely admit the inspector or his assistants to such mine on the exhibition of his certificate of appointment, for the purpose of making the examination and inspection provided for in this act, whenever the mine is in active operation, and render any necessary assistance for such inspection; but said inspector or his assistants shall not unnecessarily obstruct the working of said mine. Upon the refusal of the owner, agent, manager or lessee to admit the inspector or his assistants to such mine, such owner, agent, manager or lessee shall be subject to a fine of not less than fifty dollars nor more than five hundred dollars for each and every such offense.

**Sec. 6. Mine owners to make maps of workings.** The owner, agent, manager or lessee of any coal or hydro-carbon mine in this state shall make, or cause to be made, an accurate map or plan of the workings of such mine, on a scale of one hundred feet to the inch, which said map shall show all the openings or excavations, shafts, tunnels, slopes, planes, entries, cross-headings, rooms, etc., and show the directions of the air current and also the water system therein, and shall accurately show the boundary lines between said mine and adjoining mines. Such map or plan, or true copy thereof, shall be furnished to the inspector, and one copy shall be kept at such mine for the inspection of the inspector or employees thereof. The owner, agent, manager or lessee, at least once in every six months, shall place or cause to be placed on the map or plan, an accurate showing of all additional excavations which have been made in the mine during the said six months. The several maps or plans of mines in this state, which are furnished to the inspector, shall be the property of the state, and shall remain in the care of the said inspector, and shall be transferred by him to his successor in office; and in no case shall any copy of any of them be made without the consent of the owner, agent, manager or lessee. If the inspector shall find or have good reason to believe that any map or plan of any mine made or furnished him, in pursuance of the provisions of this act, is materially inaccurate or imperfect, he is authorized to cause a correct plan or map of said mine to be made, at the expense of the owner, agent, manager or lessee thereof; *provided*, that if the map or plan which was claimed to have been inaccurate shall be found to be practically correct, then the state shall have to pay the expense of making the new map or plan of such mine.

**Sec. 7. Openings for egress. Entrances. Cages.** It shall be unlawful for the owner, operator or superintendent of any mine to em-

ploy any person or persons in such mine for the purpose of working therein, unless there are in connection with every seam or stratum of coal, worked in such mine, not less than two openings or outlets, separated by a stratum of not less than one hundred and fifty feet at surface and not less than thirty feet at any place, at which openings or outlets, safe and distinct means of ingress and egress shall at all times be available for the persons employed in the said mine. The escapements, shafts or slopes shall be fitted with safe and available appliances by which the employees of the mine may readily escape in case an accident occurs deranging the hoisting machinery at the outlets. In slopes used as haulage roads where the dip or incline is ten degrees or more, there must be provided a separate traveling way, which shall be maintained in a safe condition for travel, and kept free from dangerous gases. No inflammable structure, other than a frame to sustain pulleys or sheaves, shall be erected over the entrance to any mine; and no inflammable structure for the purpose of storing coal shall be erected nearer than two hundred feet to any such opening. But this act shall not be construed to prohibit the erection of a fan and its approaches for the purpose of ventilation, nor of a trestle for the transportation of cars from any slope or other opening. All entrances to any place, not in actual course of working, where explosive gas is known to exist, shall be properly fenced across the whole width, so as to prevent all persons from entering the same.

Hand rails and sufficient safety catches shall be attached to, and a sufficient cover overhead shall be provided on every cage used for lowering or hoisting persons in any shaft. The ropes, safety catches, links and chains shall be carefully examined every day that they are used by a competent person employed for that purpose by the mine owner, agent, manager or lessee, and any defect therein found shall be immediately remedied.

**Sec. 8. Stretchers to be kept.** It shall be the duty of every owner, agent, manager or lessee to keep at the mouth of every mine, or at such other places as may be designated by the mine inspector, stretchers properly constructed for the purpose of carrying away any employee working in and around the mine, who may be injured in and about his employment.

**Sec. 9. Pure air for ventilating.** Every owner, agent, manager or lessee of coal or hydro-carbon mines shall provide and maintain a constant and adequate supply of pure air.

(1) It shall be unlawful to use a furnace for the purpose of ventilating any mine wherein explosive gases are generated.

(2) The minimum quantity of air provided shall not be less than one hundred cubic feet per minute for each and every person employed in every mine, and three hundred cubic feet for each and every animal employed therein, and as much more as the circumstances may require.

(3) The ventilating current shall be conducted and circulated to the face of each and every working place through the entire mine,

in sufficient quantities to dilute, render harmless and sweep away smoke and noxious or dangerous gases to such an extent that all working places and traveling roads shall be in a safe condition for working and traveling therein.

(4) All worked out or abandoned parts of any mine in operation, so far as practicable, shall be kept free from dangerous bodies of gases or water; and if found impracticable to keep the entire mine free from a dangerous accumulation of standing gases or water, the mine inspector shall be immediately notified.

(5) Every mine wherein are employed more than seventy-five persons, must be divided into two or more districts. Each district shall be provided with a separate split of pure air, and the ventilation shall be so arranged that not more than seventy-five persons shall be employed at the same time in any one current or split of air.

(6) All cross cuts connecting the main inlet and outlet air passages, when it becomes necessary to close them permanently, shall be substantially closed with brick or other suitable material laid in mortar or cement, whenever practicable, but in no case shall said cross-cut stoppings be constructed of plank, except for temporary purposes.

(7) All doors used in assisting or in any way affecting the ventilation shall be so hung and adjusted that they will close automatically. Main doors regulating the principal air currents of a mine shall be so placed in all cases where it is practicable, that when one door is open, another, which has the same effect upon the same current or air, shall be and remain closed.

(8) All permanent air bridges shall be built of such material and of such strength as the circumstances may require.

(9) The quantities of air in circulation shall be ascertained with an anemometer, or other efficient instrument; such measurements shall be made by the inside foreman or other competent person at least once every week. A report of these air measurements shall be forwarded to the mine inspector, together with the statement of the number of persons employed in each district, on or before the twelfth day of each month for the preceding month.

(10) For the purpose of properly ventilating rooms and entries, cross-cuts in rooms shall not be more than seventy feet apart, and cross-cuts in main entries shall not, except in cases of urgent necessity, be less than seventy feet, nor more than two hundred feet apart, the said provisions as to air shall not apply to hydro-carbon mines.

**Sec. 8. Water system.** Every owner, agent, manager or lessee of mines within the state of Utah shall provide and maintain a water system for the purpose of conducting water to the face of each and every working place, and throughout the entire open part of the mine, in sufficient quantities for sprinkling purposes to wet down the dust that shall arise and accumulate in and around the mine, *provided*, that in mines or parts of mines where by reason of the natural wet condition, or the moisture derived from the introduction of steam into the air currents, or both, such sprinkling may not be

necessary. And it shall be the duty of the superintendent, mine foreman and inspectors to see to it that this is done.

**Sec. 9. Props, ties, rails, timbers.** It shall be the duty of every owner, operator, superintendent, or mine foreman to furnish to the miners all props, ties, rails and timbers necessary for the safe mining of coal and for the protection of the lives of workmen. Such props, ties, rails and timbers shall be suitably prepared and shall be delivered within one hundred feet of the face of the room, or entry, free of charge.

**Sec. 10. Rules to be observed by mine owners and employees.** The following general rules shall be observed by every mine owner, operator, superintendent, mine foreman and employee within the state of Utah:

1. Every owner or operator of every mine shall use every reasonable precaution to insure the safety of the workmen, in all cases and shall place the under ground workings thereof under the charge and daily supervision of a person, who shall be known as "mine foreman," and who must hold a mine foreman's certificate.

2. All accessible parts of abandoned portions of mines in which explosive gases have been found or are known to exist, shall be carefully examined by the mine foreman or his assistants, at least once in each and every week, and all danger existing therein from such gases shall be removed as soon as possible. A report of each and every examination shall be recorded in a book kept for that purpose, signed by the person making the examination.

3. In all mines known to generate explosive gases, the mine foreman, or fire bosses, shall make a careful examination every morning of all working places and traveling ways, and all other places which might endanger the safety of the workmen, within three hours prior to the time at which the workmen shall enter the mine. Such examination shall be made with the safety lamp. No person except those whose presence is necessary to prepare the mine for the entrance of the workmen, shall enter the mine or any part thereof, until the mine foreman or fire boss of his district shall report to him that his place is in a safe condition. The mine foreman or fire boss making such examination shall record the result of his examination in a book kept for that purpose, which book shall be opened to the inspection of the mine inspector and all employees.

4. In any working place approaching any place where there is likely to be an accumulation of explosive gases, no light or fire other than locked safety lamps shall be allowed or used. Whenever safety lamps are required in any mine they shall be the property of the owner or operator, and a competent person, who shall be appointed for that purpose, shall examine every safety lamp immediately before it is taken into the mine for use. He shall clean, lock and otherwise ascertain if it is safe for use, *provided* that all fire bosses, or those who inspect the mine for the presence of explosive gases, must also personally examine their own lamps, and be responsible for their safe condition.

5. Any miners or other persons having charge of a working place in any mine shall for his own protection keep the roof and sides thereof properly secured by timbering or otherwise, so as to prevent such roof and sides from falling and injuring him or his fellow workmen; and he shall not do any work or permit any work to be done under loose rock or dangerous material, except for the purpose of securing the same.

6. No more than ten persons shall be hoisted or lowered at any one time in any shaft or slope. This, however, shall not prohibit the hoisting or lowering of ten or more persons at any one time on slopes where five or more loaded cars are regularly hoisted.

7. No person in a state of intoxication shall be allowed to go into or loiter about the mine.

8. Any miner or other workman who shall discover anything wrong with the ventilating current or with the condition of the roof, sides timbers or roadway, or with any other part of the mine in general, such as would lead him to suspect danger to himself or his fellow workmen, or the property of his employer, shall as soon as possible report the same to the mine foreman or other person being in charge of that portion of the mine.

9. Any person or persons who shall knowingly or wilfully damage, or without proper authority remove or render useless any fencing, means of signaling, apparatus, instrument or machine, or shall throw open or obstruct any air way, or open any ventilating door and not leave the same closed, or enter a place in or about a mine against caution, or carry fire, open lights or matches in places where safety lamps are used, or handle without proper authority, or disturb any machinery or cars, or do any other act or thing whereby the lives or health of persons or the security of property in or about the mine are endangered, shall be deemed guilty of a misdemeanor.

10. Gunpowder or any other explosive shall not be stored in a mine, and a workman shall not have at any time in any one place more than one can or box containing six and one-quarter pounds of powder; *provided*, that under special conditions a larger amount may be allowed in a mine for immediate use, when approval of such action is made in writing by the state inspector.

11. Every person who has gunpowder or other explosives in a mine, shall keep it in a wooden or metallic box, securely locked, and such box shall be kept at least ten feet from the tracks in all cases where room at such a distance is available.

12. In charging holes for blasting in coal, slate or rock in any coal or hydro-carbon mine, no iron or steel-pointed needles shall be used, and a tight cartridge shall not be rammed into a hole in the coal, slate or rock with an iron or steel tamping bar, unless the bar is tipped with copper or other soft metal.

13. The charge of powder or any other explosive in coal, slate or rock which has missed fire, shall not be withdrawn or the hole reopened, except where such holes are tamped with wet wood pulp.

14. Before commencing work and also after firing of every blast, the miner working a room or other place in the mine, shall



enter such room or place to examine and ascertain its conditions, and his assistant shall not go to the face of such room or place until the miner has examined the same and found it to be safe.

15. No person shall be employed to blast coal or rock unless the mine foreman is satisfied that such person is qualified by experience to perform the work with ordinary safety, or unless he is placed at work with an experienced miner.

16. Every passageway equipped with mechanical haulage used by persons as a regular traveling way for travel, and also at the same time used for transportation of coal or other material, shall be of sufficient width to permit persons to pass moving cars with safety, but if found impracticable to make any passageway of sufficient width, then holes of ample dimensions, and not more than one hundred and fifty feet apart shall be made on one side of said passageway. The said passageway and safety holes shall be kept free from obstructions and the roof and sides of the same shall be made secure. Safety holes when necessary shall also be made at the bottom of all slopes and plans and kept free from obstruction to enable the footman to escape readily in case of danger.

17. It shall be unlawful for any owner, operator, superintendent or mine foreman, of any mine which generates explosive gases, to employ any person who is not competent to understand the regulations of any mine evolving explosive gases.

18. No person or persons shall be permitted to enter any dry gilsonite or elaterite mine with any kind of light other than an electric or other safety lamp.

19. For the purpose of making known the provisions of this act to all persons employed in and around the mines the owner and operator of each and every mine within the state, to which this act applies shall post in a conspicuous place or places at or near the entrance of the mine, where they may be conveniently read by all persons employed therein, the foregoing rules, and keep the said rules posted at all times.

**Sec. 11. Duties of mine inspector.** The duties of the mine inspector, other than those heretofore enumerated, shall be as follows:

1. It shall be the duty of the mine inspector to make a careful and thorough inspection of each coal and hydro-carbon mine operated within the state at least once every three months, and oftener if the condition of the mines require his attention. He shall make an annual report to the Governor, showing the condition of each and every coal and hydro-carbon mine in the state. He shall examine into the condition as regards the safety of the workmen of such mine working, machinery, ventilation, drainage and the method of lighting or using lights, and into all other matters connected with the working safety of persons in such mine, and give directions providing for the better health and safety of persons employed in or about the same. The owner or operator is hereby required to freely permit such entry, inspection, examination, inquiry and exit, and to furnish a guide when necessary. The said inspector shall make a record of his visit, noting the time of the inspection and the material circum-

stances of the same, and shall also notify the owner or operator of the mine by a written report of the condition of the mine at the time of such inspection.

2. If the inspector finds that a mine is not properly worked, or is not furnished with proper machinery or appliances for the safety of the miners and all other employees, it shall be his duty to give written notice to the owner or manager of such mine that it is unsafe, and such notice shall specify in what particulars the mine is unsafe, and shall direct the owner or manager thereof to make such improvements as are necessary within a reasonable period. If the improvements are not made as required in the notice, it shall be unlawful for the owner or manager to operate such mine until such improvements are completed.

Sec. 12. **Speaking tubes must be provided.** In shaft or slope mines where persons are lowered or hoisted by machinery, a metal speaking tube or other suitable appliance shall be provided in all cases so that conversation or signaling may be carried on through the same from the top to the bottom of the shaft or slope.

Sec. 13. **Inspector to be notified of accident. Inquest.** Whenever by reason of an explosion or any other accident in any coal or hydro-carbon mine or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the person having charge of such mine or colliery to give notice thereof promptly to the said mine inspector, and if any person is killed thereby, to the coroner of the county, who shall give due notice of the inquest to be held. If the coroner shall determine to hold an inquest, the inspector shall be allowed to testify, and offer such testimony as he shall deem necessary to thoroughly inform the said inquest of the causes of death, and the said inspector shall have authority at any time to appear before such coroner and jury and question or cross-question any witness, and in choosing the jury for the purpose of holding such inquest, it shall be the duty of the coroner to impanel at least two men experienced in coal mines on such jury. It shall be the duty of such inspector, when possible, upon being notified as herein provided, to immediately repair to the scene of the accident and give such directions as may appear necessary to secure the future safety of the men, and he shall proceed to investigate and ascertain the causes of the explosion or accident, and make a record thereof, which he shall file; and to enable him to make the investigation, he shall have the power to compel the attendance of persons to testify and to administer oaths and affirmations; the cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as the costs of coroners' inquests are paid by law.

Sec. 14. **Board of examiners for mining boss.** On the petition of the mining inspector, the district court in any county in this state shall at the first term, after the approval of this act, appoint an examining board for such county, consisting of the state inspector of coal mines, an operator of a coal mine and a coal miner, who shall be citizens of the United States, and the latter two of which

board shall have at least five years of experience in the mines of the state, whose duty it shall be to examine any person applying thereto as to his competency and qualifications to discharge the duties of mining boss; said board of examiners shall meet at the call of the inspector, and they shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mining boss, and such certificate shall be sufficient evidence for the competency and qualification of the holders for the duties of said office; *provided*, that any person who shall have been employed as a miner at least five years in the coal mines of Utah and as a mining boss continuously by the same person or firm or corporation, for the period of one year preceding the approval of this act, may be entitled, if in the judgment of the inspector he be qualified, to a certificate without undergoing such examination; but he shall not be employed by any other person or firm or corporation without having undergone such examination. The members of the examining board, other than the inspector, shall hold the office for the period of two years from the date of their appointment, and shall receive four dollars per day for each day necessarily and actually employed, and actual and necessary traveling expenses, while employed in their official duties, to be paid by the state. Vacancies in the membership of the board shall be filled by the court of the proper county except the vacancy in the office of inspector. Sessions of the examining board shall not exceed three days in each quarter, and for any certificate granted the board shall receive the sum of one dollar, the same to be paid into the state treasury. No person shall act as fire boss unless granted a certificate of competency by the state inspector of coal mines. After the approval of this act no owner, operator, contractor, lessee or agent shall employ any mining boss or fire boss who does not have the certificate of competency required. Said certificate shall be posted up in the office of the mine, and if any accident shall occur in any mine in which a mining boss or a fire boss shall be employed who had no certificate of competency, as required by this chapter, by which any miner shall be killed or injured, he or his estate shall have a right of action against such operator or owner, lessee, or agent, and shall recover the full damage sustained; in case of death such action to be brought by the administrator of his estate, within three years from the date of accident, the proceeds recovered to be divided among the heirs of the deceased according to law.

**Sec. 15. Act not to apply where less than six men employed.** The provisions of this act shall not apply to or effect any coal or hydro-carbon mine in which not more than six men are employed in twenty-four hours.

**Sec. 16. Penalty.** The neglect or refusal to perform the duties required to be performed by any section of this act, or the violation of any of the provisions hereof, shall be deemed a misdemeanor, and any person so neglecting or refusing to perform such duty or violating such provisions, shall, upon conviction, be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars for each and every such offense.

Sec. 17. **Repeal.** Chapter 2 of title 42 of the Revised Statutes of Utah, 1898, is hereby repealed.

Sec. 18. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 86.

### FENCING RAILROAD TRACKS.

AN ACT requiring railroad companies to fence their tracks.

*Be it enacted by the Legislature of the State of Utah:*

*repealed  
p. 69.*

**SECTION 1. Railroad companies to fence tracks. Penalty.** Every railroad company operating a railroad by steam power within this state is hereby required to erect, within six months after the approval of this act, and thereafter maintain, a fence on each side of its railroad where the same passes through lands owned and improved by private owners, and connect the same at all public road crossings with cattle guards. Such fence shall not be less than four and a half feet in height and may be constructed of barbed or other fencing wire and shall consist of not less than five wires, with good substantial posts not more than one rod apart, with a stay midway between said posts attached to the wires of said fence to keep said wires in place; and whenever such railroad company shall provide gates for private crossings, for the convenience of the owners of the lands through which such railroad passes, such gates shall be so constructed that they may be easily operated; and any such corporation shall be liable for all damages sustained by the owner of any domestic animal killed or injured by such railroad, in consequence of the failure to build or maintain such fence, when such animal strays upon such railroad where it passes through the property of the owner thereof.

**Sec. 2. Must provide gates for private crossings.** Wherever such railroad company shall provide gates for private crossings for the convenience of the owner of the lands through which such railroad passes, such owner shall keep such gates closed at all times when not in actual use, and if such owner fail to keep such gates closed, and in consequence thereof his animal strays upon said railroad and is killed or injured, such owner shall not be entitled to recover damages therefor.

**Sec. 3.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 87.

## SLOT MACHINE.

**AN ACT** prohibiting the use of the device known as the "slot machine" in this state and prescribing a penalty for the violation of this act.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Keeping "slot machine" a misdemeanor.** Every person who keeps or operates, either as owner, agent or employee, or allows to be kept, used, operated or conducted in his place of business, or elsewhere in this state, the device or instrument commonly known as the "slot machine," or any other similar device or instrument for gambling or exhibiting bawdy pictures is guilty of a misdemeanor.

**Sec. 2.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

CHAPTER 88.

## PRINTING BIENNIAL REPORT STATE BOARD OF HORTICULTURE.

**JOINT RESOLUTION** authorizing the state board of examiners to procure the printing of 4,000 additional copies of the biennial report of the state board of horticulture.

*Be it resolved by the Legislature of the State of Utah:*

**SECTION 1. Four thousand copies biennial report state board horticulture to be printed.** That the state board of examiners is hereby authorized to procure the printing of 4,000 copies of the report of the state board of horticulture of this state, for the biennial period ending December 31st, 1900, in addition to the number now authorized by law.

Approved this 14th day of March, 1901.

**CHAPTER 89.****APPROPRIATION FOR THE DESTRUCTION OF GROUND SQUIRRELS, ETC.**

**AN ACT** making an appropriation to the Governor for the purpose of purchasing poison to be distributed among the several counties of the state for the destruction of ground squirrels, gophers and prairie dogs.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** Appropriation for poison for the destruction of ground squirrels, etc. That the sum of five thousand dollars, or so much of the same as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purchase by the Governor of this state, of poison to be distributed among the several counties of the state, to be used in the destruction of ground squirrels, gophers and prairie dogs.

**Sec. 2.** This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

**CHAPTER 90.****COUNTY BOARD OF EQUALIZATION.**

**AN ACT** amending section 2575, of the Revised Statutes of Utah, 1898, relating to the powers of the board of county commissioners as a county board of equalization, and permitting the board to remit the taxes of indigent persons.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 2575 of the Revised Statutes of Utah, 1898, be and the same is amended to read as follows:

**2575. Powers of board.** The board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower any assessment contained in any assessment book, so as to equalize the assessment of the property contained therein, and make the assessment conform to the true value of such property in money. Said board may remit the taxes of indigent persons to an amount not exceeding ten dollars for the current year.

Approved this 14th day of March, 1901.

## CHAPTER 91.

## ANNUAL FINANCIAL STATEMENTS OF CITIES.

AN ACT to amend section 1, chapter 20, of the Laws of Utah, 1899, relating to the annual financial statements of cities, the duties of the auditor and city recorder.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1 of chapter 20, of the Laws of Utah, 1899, be, and the same is hereby amended to read as follows:

231. **Financial statement of cities to be published annually.** **Contents.** The city auditor, in cities having an auditor, and in all other cases, the city recorder, shall prepare and publish, on or before the first Monday in February of each year, in some newspaper having a general circulation in the city, a detailed statement of the financial condition of the city, and of all receipts and expenditure for the previous year, ending December 31st, showing:

1. The total receipts of the city, stating particularly the source of each portion of the revenue. 2. The amount of cash on hand at the date of the last report. 3. The amount of sinking fund, and how invested. 4. The number, date, and amount of every bond issued or redeemed, and the amount received or paid therefor. 5. The indebtedness of the city, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part thereof. 6. The amount of cash in the city treasury, and in its several funds. 7. The total expenditures of the city, as shown by the warrants issued, giving in total the amount expended in each department.

Approved this 14th day of March, 1901.

## CHAPTER 92.

## NOTICE OF HEARING PETITION FOR LETTERS OF ADMINISTRATION.

AN ACT to amend section 1, chapter 54, of the Laws of Utah, 1899, relating to letters of administration.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1, chapter 54 of the Laws of Utah, 1899, be and the same is hereby amended to read as follows:

3818. **Notice of hearing petition for letters of administration.** When a petition praying for letters of administration is filed, the clerk must set the petition for hearing and give notice thereof by publication or by posting, and by the mailing of notices to the heirs.

Approved this 14th day of March, 1901.

## CHAPTER 93.

## CHATTEL MORTGAGES.

AN ACT to amend section 155 of the Revised Statutes of Utah, 1898, relating to the renewal of chattel mortgages.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 155 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

155. **Chattel mortgage expires in one year. Renewal.** Every mortgage so filed shall be void as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year after the filing thereof, unless within thirty days after the expiration of the term of one year from such filing, and within thirty days after the expiration of each year thereafter, the mortgagee, his agent or attorney, shall make an affidavit exhibiting the interest of the mortgagee in the property at the time last aforesaid, claimed by virtue of such mortgage, and if such mortgage is to secure the payment of money, the amount yet due and unpaid, and shall file the same with the county recorder, to be attached to the instrument or copy on file to which it relates; *provided*, that no mortgage of personal property shall be valid as against creditors of the mortgagor or subsequent purchasers or mortgagees in good faith, after the expiration of five years from the date of the original filing.

Approved this 14th day of March, 1901.

## CHAPTER 94.

## UNIFORM EXAMINATION OF TEACHERS.

AN ACT providing for uniform examinations of teachers in the different counties of the state of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **State board to prepare questions for examination of teachers.** The state board of education shall prepare lists of questions to be used by the county superintendents of the several counties of the state in the examination of applicants for teacher's certificates, and shall make such suggestions concerning their use; prescribing rules and regulations as shall tend to secure uniform examinations in the different counties. The board may call to its aid, in the preparation of such questions, such assistance as it may deem proper.

Approved this 14th day of March, 1901.



## CHAPTER 95.

## TEACHER'S EXAMINATION.

AN ACT amending section 1795 of the Revised Statutes of Utah, 1898, relating to teacher's examinations.

*Be it enacted by the Legislature of the State of Utah:*

That section 1795 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

1795. County board to hold teacher's examination each year. The county board of examiners shall hold teacher's examinations during each year, at such times and under such rules as the state board of education may direct. If from the percentage of correct answers required by the rules and other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's experience and ability as a teacher, the applicant is found to be a person of good moral character, and to possess such knowledge and understanding, together with aptness to teach and govern, as will enable the applicant to teach successfully in the district schools of the state the various branches required by law, said board of examiners shall grant such applicant a certificate of qualification.

Approved this 14th day of March, 1901.

## CHAPTER 96.

## INFERNAL MACHINE.

AN ACT defining an infernal machine, and prescribing penalties for the construction or contrivance of the same, or having any such machine in possession, or delivering such machine to any person or common carrier, or sending the same through the mail, or throwing or placing the same where any person may be injured in his person or property, and providing where offenses against this act may be tried in case of such infernal machine being transmitted outside the county where delivered.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Infernal machine defined. That an infernal machine is any box, package, contrivance or apparatus, containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, or loaded pistol or gun or other dangerous or harmful weapon or thing, constructed, contrived or arranged so as to explode, ignite or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled or open, or after the lapse of time, or under conditions, or in a manner calculated to endanger health, life, limb or property.

Sec. 2. **Penalty for sending by mail or express.** That every person who delivers, or causes to be delivered, to any express or railway company or other common carrier or to any person any infernal machine, knowing it to be such, without informing such common carrier or person of the nature thereof, or sends the same through the mail, or throws or places the same on or about the premises or property of another, or in any place where another may be injured thereby, in his person or property, is guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding twenty-five years.

Sec. 3. **Penalty for constructing or having in possession.** That every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession, is guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding five years.

Sec. 4. **Where prosecuted in certain cases.** That any person knowingly delivering any such infernal machine to any railway, express, or stage company, or to any person or company whatever for transmission to any person in another county may be prosecuted in the county in which he delivers the same, or the county to which the same is transmitted.

Sec. 5. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

---

## CHAPTER 97.

### VOTE OF THANKS TO SCOFIELD RELIEF COMMITTEE.

*Be it resolved, by the Governor and the House of Representatives of the State of Utah, the Senate concurring:*

That its vote of thanks be tendered to that committee appointed by his excellency, the Governor, viz.: J. T. Hammond, E. W. Wilson, Wm. F. Colton, Ezra Thompson, A. W. Carlson, A. L. Thomas, Wm. Iglehart, Mrs. O. J. Salisbury, Mrs. Geo. M. Downey, Mrs. A. R. Haywood, Lafayette Holbrook, John Jones, O. G. Kimball, and T. J. Parmely, in appreciation of the disinterested, conscientious, intelligent, and painstaking duties performed by them for the relief of the sufferers from the disaster which occurred in the mines of the Pleasant Valley Coal Co. at Scofield, Utah, May 1st, 1900.

*And be it further resolved,* that a vote of thanks by this House of Representatives and the Senate be extended to the sympathetic

people of the United States, and elsewhere who responded so generously to the appeal by the Governor for aid to said sufferers.

That said vote of thanks be extended to the brave men, who taking their lives in their hands, without halt or faltering went so nobly to the work of rescue in said disaster.

Also to the Rio Grande Western Railway Co. for its generous tender of transportation to the relatives and friends of the victims. And to the Pleasant Valley Coal Co. for its unceasing efforts to relieve the sorrows, and for its magnificent contribution to the needs of the children made fatherless, and the wives made husbandless by said disaster.

*Be it resolved further*, that said vote of thanks be spread upon the Journals of the House and Senate.

Approved this 14th day of March, 1901.

---

## CHAPTER 98.

### SALARIES OF OFFICERS AND EMPLOYEES OF STATE PRISON.

AN ACT amending section 2238 of the Revised Statutes of Utah, 1898, relating to salaries, quarters, and board of the employees of the state prison, the time of payment of such salaries and the fixing of the same by the state board of corrections.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2238 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

2238. **Salaries of officers and employees to be fixed by board.** **Perquisites.** The salaries of all officers and employees of the Utah state prison shall be fixed by the state board of corrections and shall be paid monthly at the office of the prison. The warden shall in addition to his salary be allowed the use of house, fuel, lights and provisions for his family and for guests who visit him on business connected with the prison, and any officer may, in the discretion of the board be allowed the use of a house or an apartment free of rent. No officer or any person employed in or about the prison shall be permitted to receive in any way perquisites, emoluments or supplies for himself or his family from the prison other than the compensation allowed by the board. The board may, if it shall deem it for the interest of the prison, require the keepers, guards, and such of the employees as it may designate, to be lodged and messed or boarded in the prison, and for that purpose may furnish lodging rooms in a plain and substantial manner, and supply provisions from the prison stock, which shall be cooked and prepared by the labor of convicts, and served at such time and on such terms, and in such place as the board may direct.

Sec. 2. This act shall take effect upon approval.

Approved this 14th day of March, 1901.

## CHAPTER 99.

## PRESENT OWNERSHIP MAPS.

AN ACT amending section 1 of chapter 43 session laws of the state of Utah, 1899, relating to preparing and keeping present ownership maps.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1, chapter 43, session laws of the state of Utah, for the year 1899, be and the same is hereby amended to read as follows:

1. County surveyor and recorder to keep "present ownership maps." In all counties of this state the county surveyor and county recorder of their respective counties shall jointly prepare and keep plats drawn to a convenient scale which shall at all times show the record owners of each tract of land in the county, together with a description of such tract; *provided*, however, that the maps and such descriptions now in the possession of the county assessor shall constitute the basis of establishing the ownership as of February 6, 1899, at 12 o'clock noon, and the county surveyor and recorder shall not be required to trace any title back of said last mentioned date and hour to prove the accuracy of such assessor's plats.

Approved this 14th day of March, 1901.

## CHAPTER 100.

## NOTICE OF SALES OF ESTRAYS.

AN ACT to amend section 15 of the Revised Statutes of Utah, 1898, relating to the notice of sales of estrays.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 15 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

15. Notice of sale of estrays. Within three days after any estrays shall come into the possession of the poundkeeper, he shall advertise the same in a newspaper published in the county, if there be one, having general circulation in the county, by publishing a notice in at least one issue of said paper, and by posting notices for a period of ten days in three of the most public places in the precinct, one of such places shall be at or near the postoffice, if there be one in the precinct. He shall immediately deliver a copy of such notice to the county clerk, or mail the same to him by registered letter. The county clerk shall upon receipt of said notice file and preserve the

same in his office for a period of six months thereafter, and shall immediately post a copy thereof at the front door of the county court house. The notice so filed with the clerk shall be open during reasonable hours for inspection by the public, free of charge. The notice herein provided for shall contain a description of the animals including all marks and brands, when taken, and the day, hour and place of sale, and may be substantially in the following form:

### NOTICE.

State of Utah, county of.....

In the.....precinct of said county.

I have in my possession the following described estray animals which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at....., in.....precinct, on....., the.....day of....., 190....., at the hour of.....

(Description of animals)

Said estrays were taken up by me in said precinct on the.....day of....., 190.....

Poundkeeper for.....precinct.

Approved this 14th day of March, 1901.

## CHAPTER 101.

### COUNTY MAPS.

**AN ACT** amending section 639 of the Revised Statutes of the state of Utah, 1898, relating to county, precinct, road district, assessors' and other maps.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That sections 639 and 2553 of the Revised Statutes of the state of Utah, 1898, be and the same is hereby amended to read as follows:

**639. County surveyor to make certain maps.** In certain cases commissioners may contract for making maps. The county surveyor shall plat, trace, blueprint, or otherwise make all county, precinct, road, and district, assessors, and all maps for the county of which he is surveyor. All such maps which shall be platted, traced, blueprinted or otherwise made as aforesaid, shall be filed in the county surveyor's office, together with all data obtained by the county surveyor from other sources, and the same hereafter shall become the

property of the county; *provided*, that in counties of the fifth class and fifteenth class, inclusive, or in counties where the salary of the county surveyor is not intended to cover the expenses of this class of work, the board of county commissioners may enter into a contract or other arrangement with the county surveyor or other surveyor for all such mapping and platting as is required under the laws of the state.

Approved this 14th day of March, 1901.

## CHAPTER 102.

### FILLING VACANCIES ON BOARD OF PARDONS.

AN ACT to provide for filling vacancies on the board of pardons caused by the absence of any member or members thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Vacancies on board of pardons to be filled before hearing case. That at any session of the board of pardons when any member or members constituting the board are absent, the members present, before hearing any case, shall fill the vacancy or vacancies by calling in the Secretary of State or any of the district judges, and such person or persons so called in, together with the members present, shall constitute the board of pardons for such session; *provided* that a vacancy occasioned by the absence of the Governor or acting Governor cannot be filled in the above manner.

Approved this 14th day of March, 1901.

## CHAPTER 103.

### MILEAGE OF DISTRICT JUDGES AND DISTRICT ATTORNEYS.

AN ACT to amend section 2051 of the Revised Statutes of Utah of 1898, providing for the payment of mileage of district judges, and district attorneys.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2051, of the Revised Statutes of Utah, of 1898, be and the same is hereby amended to read as follows:

2051. District judges and district attorneys to receive mileage. District judges and district attorneys, shall receive mileage at the rate of five cents per mile, when traveling on the line of any railroad, and fifteen cents per mile when traveling off or away from the line of any railroad, for each mile actually and necessarily traveled in the performance of their official duties.

Approved this 18th day of March, 1901.

## CHAPTER 104.

## VALIDATING CERTAIN INSTRUMENTS.

AN ACT relating to instruments of writing informally executed, and validating all of the same which were of record prior to January 1st, 1901.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Validating certain instruments.** All instruments of writing that were, previous to January 1, 1901, copied into the books of record of the office of the county recorders of the several counties of this state, shall, after that date, impart to subsequent purchasers and incumbrancers, and to all other persons whomsoever, notice of the contents of all such instruments, so far as and to the extent that the same may be found recorded, copied or noted in the said books of record, notwithstanding any defect, omission, or informality existing in the execution at the time of acknowledgment, certificate of acknowledgment, recording or certificate of recording the same; and all such instruments, and the records or authenticated copies of the records thereof shall be admissible in evidence, notwithstanding such defects or omissions; but nothing herein contained shall be construed to effect any right or title acquired prior to that date by subsequent purchasers, grantees, incumbrancers, or assignees.

Approved this 18th day of March, 1901.

## CHAPTER 105.

## TAXATION OF TRANSIENT STOCK.

AN ACT defining and classifying transient stock and providing for the assessment, collection and distribution of taxes on the same, providing penalties for violation of its provisions and repealing sections 2537, 2538, 2539, 2540, 2541 and 2542 of the Revised Statutes of Utah, for 1898, and repealing chapter 44, of the session laws of 1899.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Transitory stock defined.** That for the purposes of taxation as hereinafter provided, transient stock shall be deemed to be:

1. All stock brought into the state by any person or persons other than bona fide residents thereof, for the purpose of being grazed for any length of time exceeding twenty days, and
2. All stock owned by residents of the state and driven or removed from one county to another for the purpose of being grazed.

**Sec. 2. Certificate to be filed with county clerk.** It shall be the duty of every person or persons bringing live stock into any county of the state for the purpose of being grazed, for any length of time exceeding twenty days, to set out in a certificate signed by such person or persons or their agents, the number of live stock with the marks and brands on the same, and file said certificate with the county clerk of the county in which said live stock shall be first brought, which certificate shall be substantially in the following form:

State of Utah, county of \_\_\_\_\_, ss.

I, \_\_\_\_\_, of \_\_\_\_\_, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, I brought into the county of \_\_\_\_\_ from the state of \_\_\_\_\_, \_\_\_\_\_ head of \_\_\_\_\_ branded \_\_\_\_\_ on the \_\_\_\_\_ and marked as follows \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_.

Signed by \_\_\_\_\_

\_\_\_\_\_  
Agent.

**Sec. 3. Duty of county clerk.** It shall be the duty of the county clerk upon said certificate being filed, to keep an index of the same in his office and if the assessment rolls are in his possession or in the possession of the county treasurer, he shall, as clerk of the county, enter an abstract of such certificate upon the assessment roll for the current year, otherwise he shall deliver to the county assessor a certified copy of such certificate and the county assessor shall enter an abstract of such certificate upon the assessment roll for the year.

**Sec. 4. Non-resident to make cash deposit or execute bond.** Every person or persons other than bona fide residents of the state bringing live stock into the state for the purpose of being grazed for any length of time exceeding twenty days, shall be required by the assessor of the county where such certificate is filed, to pay the sum of ten cents on each and every head of sheep, and forty cents on each and every head of cattle, or other live stock so certified, which collection shall be deposited with the county treasurer; *provided*, that said ten cents per head on sheep, and forty cents per head on cattle and other live stock, shall at the end of such year be returned to the person paying the same, upon a showing that he has paid the regular annual tax in that county for that year upon all said property, the same as other persons have paid on like property permanently located in the state; or such portion of said payment shall be returned, as shall exceed the amount of the regular tax for said year; *provided, further*, that any person so certifying to the ownership of transient stock, in lieu of the payment of the said ten cents per head on sheep, and forty cents per head on cattle and other live stock, may execute a bond to such county with two or more sureties, to be approved by, and filed with the county treasurer, conditioned that such person will regularly and punctually pay all taxes which may become due thereon during the year.



**Sec. 5. Transient stock owned by residents.** Except as in the next section provided, all stock owned by residents of the state and driven or removed from one county to another to be grazed shall be assessed as other personal property in the county where first found after January first in each year, and such assessment shall be listed on the assessment rolls and the taxes collected in such county the same as on other personal property.

**Sec. 6. Tax on transitory stock owned by residents to be paid in county where owned.** The taxes on all live stock owned by residents of the state and driven or removed from one county to another for the purpose of being grazed, that are grazed for any portion of the year in the county where owned, shall be paid in the county where owned, and it shall be the duty of the assessor of each county to list all such transient stock owned by residents of this state on a listing blank before February the fifteenth of each year, and transmit such list to the assessor of the county in which said stock were owned, who shall assess said stock and enter said assessment on the assessment roll of said county, and assess against said stock any special school tax which may have been levied in the school district in which said stock are owned, and the same shall be collected by the treasurer of the county in which said stock are owned.

**Sec. 7. County assessor to give certificate.** It shall be the duty of the county assessor in each county at the time of assessing any transient stock, to furnish the owner of said transient stock or his agent with a certificate and such copies thereof as the owner or his agent may require showing the time, place, number and description of the animals assessed, *provided* residents and other persons not owning sufficient real estate within the state, to secure the payment of said taxes shall have complied with the provisions of section 4 of this act before they shall be entitled to such certificate. Such certificate shall be substantially in the following form:

State of Utah, county of....., ss.

I, ....., do hereby certify that I am the assessor of.....county, state of Utah; that I have this day assessed for the year 190....., .....head of.....branded..... on the..... and marked as follows:.....the property of....., a resident of.....county, state of .....

Dated this.....day of....., 190.....

.....  
Assessor.

By.....  
Deputy.

**Sec. 8. Transitory stock driven into another county after assessment not required to pay additional tax.** Whenever the owner of any transient stock or his agent shall drive or remove such stock in-

to another county for grazing or feeding purposes, he shall not be required to pay any additional taxes on said stock to such county into which they are driven or removed, provided that such owner or his agent shall file with the county clerk of such county, a copy of the certificate set forth in section 7, together with a statement from said owner or his agent showing the date when such stock were brought into said county and the date when they will probably leave. Such certificate and statement must be filed in each county into which such stock are driven or removed, in order to claim the exemption from further taxation.

**Sec. 9. Apportionment of tax on transitory stock.** On the fifteenth day of January of each year it shall be the duty of the county commissioners of each county wherein such certificate and statements have been filed, showing that live stock upon which the taxes have been paid in any county for the previous year, have ranged for a portion of such year in another county, to file a statement with the county commissioners of the county wherein the taxes for such year have been paid, claiming from such county such proportion of the taxes as the time during which such live stock ranged in said county, will bear to the whole of the year, which said account after deducting therefrom the costs of assessing and collecting the same, shall be paid by the county receiving the entire tax of the county or counties entitled to a division thereof, as above set forth, with the exception that no portion of the tax collected for state, district school or municipal purposes shall be considered in this connection.

**Sec. 10. Stock omitted by first assessment may be assessed by assessor of county where found.** If the assessment in the county where first made is not in full, then the assessor of such other county in which such transient stock may be ranging, is authorized to assess such stock to the number omitted in the previous assessment, and such taxes on the number so assessed shall be paid in the county where such last assessment is made.

**Sec. 11. County commissioners to bring suit against persons failing to comply with this act.** It shall be the duty of the county commissioners of the county in which such live stock shall be kept and herded without having first complied with the provisions of this act, upon receiving satisfactory information of such fact, to institute such civil action in the name of the county, against the person so keeping or herding such live stock, or his agent. If the owner of such live stock be not known to such commissioners, it shall be lawful to make an agent of such person, or any person having the care and custody of such live stock the defendant in such action, and service of the summons upon such agent, or person having the care and custody of such live stock, shall be considered and held to be personal service upon the owner thereof.

**Sec. 12. Attempt to remove stock pending action. Penalty.** If any person having the care or custody of such live stock shall, pending an action instituted as provided in the last section, drive or move said live stock out of the county with intent to move the same out of the state, or with the intent to evade the payment of the for-

feiture hereinbefore named, upon affidavit to that effect being made and filed in an action being brought to recover said forfeiture or tax herein provided, writs of attachment may issue as in civil actions, and the proceedings therein shall be as in other cases, except that no undertaking on attachment shall be required; and in addition thereto, any person so driving or moving such live stock shall be punished by a fine of not less than ten dollars nor more than three hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, for each and every offense.

**Sec. 13. Penalty for failure to file certificate or give bond.** Any person named in section 2 of this act, or his agent, who shall bring any live stock into this state for grazing purposes, and shall keep and herd the same in any county of the state without first filing said certificate, and without paying the amount of money per head as hereinbefore provided, or giving the bond named in section 4 of this act shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and shall further forfeit and pay the sum of forty cents for each and every head of cattle thereof, and ten cents for each and every head of sheep, for the use of said county, which said forfeit shall be collected by a civil action in the name of the county in which said live stock are, or were, so kept and herded.

**Sec. 14. Penalty for failure to file certificate when driven from one county to another.** Any person, or his agent, bringing live stock from one county in this state into another county for grazing purposes, without filing the statement and certificate as provided by section 8 of this act, within thirty days after he has crossed the county line shall be subject to a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment in the county jail not to exceed six months, and in addition thereto, said live stock shall not be exempt from taxation in the county from which they are taken.

**Sec. 15. Any officer failing to comply with provisions of this act guilty of misdemeanor.** Any county officer or member of the board of county commissioners or board of equalization, who shall fail to perform the duties prescribed by this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

**Sec. 16. Repeal.** Sections 2537, 2538, 2539, 2540, 2541 and 2542 of the Revised Statutes of Utah, 1898, and all of chapter 44 of the session laws of 1899, be and the same are hereby repealed.

**Sec. 17.** This act shall take effect upon approval.

Approved this 19th day of March, 1901.

## CHAPTER 106.

## JUSTICES OF THE PEACE IN CITIES OF THE FIRST CLASS.

AN ACT relating to justices of the peace in cities of the first class, and defining their jurisdiction, and limiting the application of this act to justices of the peace hereafter elected.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Justices of the peace in cities of the first class.** In cities of the first class of this state, every justice of the peace shall reside in, and shall hold a justice court in the city for which he is elected.

**Sec. 2. Civil jurisdiction of.** Justices of the peace in cities of the first class shall have civil jurisdiction within their respective cities, viz.:

1. In actions arising on contract for the recovery of money only if the sum claimed is less than ten dollars.

2. In actions to recover the possession of personal property when the value of such property is less than ten dollars.

3. To hold inquests on the bodies of such persons as are supposed to have died by unlawful means within cities of the first class as is now provided by law for justices of the peace.

**Sec. 3. No criminal jurisdiction.** Justices of the peace in cities of the first class shall have no criminal jurisdiction, or jurisdiction as committing magistrates.

**Sec. 4. Practice. Appeal.** The rules of practice and mode of procedure in justices' court shall be the same as are, or may be, prescribed by law for justices of the peace, without cities of the first class. From all final judgments of justices' courts in cities of the first class, an appeal may be taken by either party to the district court of the county in the manner provided by law for appeals from justices' courts in similar cases without cities of the first class.

**Sec. 5.** This act shall in no way affect the jurisdiction of the present justices of the peace, holding court in cities of the first class, but they may exercise such jurisdiction as is now provided by law during their present term of office.

Approved this 22nd day of March, 1901.

## CHAPTER 107.

## PRECINCT OFFICERS.

AN ACT to amend section 544 of the Revised Statutes of Utah, 1898, enumerating precinct officers, providing for the division of counties, for the purpose of selecting precinct officers, and making the municipal boundaries of cities of the first class one precinct for the purpose of electing a justice of the peace and constable.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 544 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

544. Precinct officers. The officers of a precinct are, one justice of the peace, and one constable. The board of county commissioners of each county as public convenience may require, shall divide their respective counties into precincts, for the purpose of electing justices of the peace and constables, *provided*, that cities of the first class shall not be divided into precincts, for the purpose of electing precinct officers, but such cities shall be deemed one precinct, for the purpose of electing one justice of the peace, and one constable therefor.

Approved this 22nd day of March, 1901.

*Amended  
p. 151*

## CHAPTER 108.

## ELECTION OF CERTAIN CITY OFFICERS.

AN ACT to amend section 1, chapter 24 of the Laws of 1899, entitled, "An act to amend section 213, chapter 8, title 10, Revised Statutes of Utah, 1898, providing for the election of certain officers in the cities and towns of this state and fixing the terms thereof," approved March 9th, 1899.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1 chapter 24 of the session laws of Utah, 1899, be, and the same is hereby amended to read as follows:

213. Certain city officers to be elected. In addition to the mayor and city councilmen, there shall be elected in all cities of the state, a city recorder, a city treasurer and a city justice of the peace; and also in cities of the first and of the second class, a city attorney and a city auditor; and in cities of less than twelve thousand inhabitants, a city marshal, *provided*, that in cities of less than twelve thousand inhabitants the city recorder shall be ex-officio city auditor and shall perform the duties of such office without extra compensation therefor; *provided*, that in cities having a population of over fifteen thousand, the office of city justice of the peace, is hereby abolished,

and no election for said office shall be held. This proviso shall not affect the office, or term of office of present city justices of the peace. All elective officers shall hold their respective offices for two years, and until their successors are elected and qualified.

Approved this 22nd day of March, 1901.

## CHAPTER 109.

### CITY COURTS.

AN ACT relating to and establishing city courts in cities of the first class, providing for the qualifications, election and removal of its judges, their salaries, powers, authority and term of office, filling of vacancies by appointment, designating the clerk and fixing his duties and fees, costs and fines to be collected and the disposition and division of the same between the city and county, fixing the jurisdiction, both civil and criminal, removal of cases to district courts in certain cases, providing for the payment of witnesses and jurors, and providing for appeals, and prescribing the rules of practice and procedure.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. City court created.** There is hereby created within cities of the first class in this state, a court to be known as the city court of.....(naming the city), and there is also created the office of city judge, whose election, qualification, duties and term of office shall be as hereinafter provided.

**Sec. 2. Judges of the city court to be elected. Term.** At the municipal election, to be held on the Tuesday following the first Monday of November, in the year 1901, and quadrennially thereafter, there shall be elected in each of the cities of the first class of this state, two judges, to be known as judges of the city court, whose term of office shall be for four (4) years, beginning at twelve o'clock noon on the first Monday of January, succeeding their election, and to hold office for the period of four years, and until their successors are elected and qualified, as hereinafter stated. The said judges shall be elected by the qualified electors of the respective cities of the first class, and under the laws and regulations governing general elections; *provided*, however, that the first election shall be held under the laws and regulations governing municipal elections. And *provided further* that the judges so elected at the first election, herein provided for, shall hold office for the term of three years, and until their successors are elected and qualified, and their successors shall be elected at the general election to be held on Tuesday next following the first Monday in November, 1904.

**Sec. 3. Qualifications.** No person shall be eligible to the office of judge of the city court, who, at the time of his election, is not a qualified elector, and a bona fide resident of the city of the first class, for which he may be elected, nor shall any person be eligible

to said office, who has not been admitted to practice in, and is not in good standing in, the supreme court of this State.

**Sec. 4. Shall take oath.** Upon entering upon the duties of the said office, each judge shall take the constitutional oath.

**Sec. 5. Failure to perform duties or absence from state forfeits office. Vacancy filled by appointment by mayor.** In case any judge of the city court shall fail, or refuse to perform the duties of his office for a period of thirty consecutive days, without reasonable excuse, or in case he shall absent himself from the state for ninety days, he shall be deemed to have forfeited his office, except that such absence may be extended as provided by the constitution of this state, in the case of judicial officers, and in case any vacancy occur in the office of judge of the city court by death, resignation, absence, failure or refusal to perform his duties, or otherwise, the said office shall be filled by the mayor of said city, by and with the consent of the city council, and the appointee shall hold his office for the same time, as provided in the case of appointees to state and judicial offices.

**Sec. 6. Municipal officers. Paid by city.** Judges of the city court shall be deemed to be municipal officers, and their salaries, as are herein provided, shall be paid by the city in which they are elected, in the manner prescribed for the payment of other municipal officers, which salary they shall take in lieu of all other compensation.

**Sec. 9. Salaries.** The annual salaries of judges of the city court shall be twenty-five hundred dollars each, payable out of the city treasury of the city in which they are elected.

**Sec. 8. Must reside and hold court in city.** Every judge of a city court shall reside in and hold a court in the city for which he is elected, and the city council of cities of the first class shall provide suitable rooms for holding the city courts, together with attendance, furniture, lights, and stationery, sufficient for the transaction of business, the expenses of which shall be paid out of the general funds in the city treasury.

**Sec. 9. Recorder is ex-officio clerk. Duties.** The city recorder of such cities of the first class is ex-officio clerk of the city court. As clerk of the city court, he shall:

First.—Take charge of, and safely keep, or dispose of, according to law, all books, papers, and records, which may be filed, or deposited in his office.

Second.—Issue all process and notices required to be issued; enter a synopsis for all orders and judgments proper to be entered, unless the law, or the court shall require them to be entered at length; keep a register of actions, in which must be entered the title of each cause, and the date of its commencement, names of the attorneys, a memorandum of each subsequent proceeding therein, with date thereof, and the final disposition, or judgment therein, and indexes as are required by law to be kept by the clerk of the district court; also a register of criminal actions.

Third.—Administer oaths, and perform such other duties as may be required by law.

**Sec. 10. Rules.** Every city court may make rules, not inconsistent with the law, for its own government, and the government of its officers, which rules shall take effect ten days after the same are posted.

**Sec. 11. Jurisdiction.** City courts shall have civil jurisdiction of the following causes:

Of actions arising within the county, where said city is situated, and causes of action arising without the state, viz:

1. In actions arising on contract, for the recovery of money only, if the sum claimed is less than five hundred dollars.

2. In actions for damages for injury to the person, or for taking or detaining personal property, or for injury to personal property, or for an injury to real property where no issue is raised by the answer involving the plaintiff's title to or possession of the same, if the damages claimed be less than five hundred dollars.

3. In actions for a fine, penalty or forfeiture, less than five hundred dollars, given by statute or by the ordinances of an incorporated city or town where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

4. In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed is less than five hundred dollars, though the penalty may exceed that sum. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

5. In actions to recover the possession of personal property when the value of such property is less than five hundred dollars.

6. To take and enter judgment on the confession of a defendant, when the amount confessed is less than five hundred dollars.

**Sec. 12. Id.** The parties to an action in a city court cannot give evidence upon any questions which involve the title or possession of real property, or which involves the legality of any tax, impost, toll or municipal fine, nor can any issue presenting such question be tried by such court; and if it appear from the answer of the defendant, verified by his oath, or that of his agent or attorney, that the determination of the action will necessarily involve the question of title or possession to real property, or involve the legality of any tax, impost, toll or municipal fine, the court must suspend all further proceedings in the action, and certify the pleadings to the clerk of the district court of the county in which said city court is situated; and from the time of filing such pleadings or transcript with the clerk, the district court has over the action the same jurisdiction as if it had been commenced therein; *provided*, that in cases of forcible entry and detainer, of which city courts have jurisdiction, any evidence otherwise competent may be given, and any question properly involved therein may be determined.



50/11/05  
amended p. 31/05

Sec. 13. **Concurrent jurisdiction with district courts.** The city court shall have concurrent jurisdiction with the district courts within their respective counties, viz.:

1. In actions of forcible entry, forcible detainer, or unlawful detainer, where the whole amount of the rent and damages claimed is less than five hundred dollars.

2. In actions to enforce and foreclose liens on personal property, where the amount of the liens and the value of the property are each less than five hundred dollars.

Sec. 14. **Exclusive jurisdiction under city ordinances.** The city court shall have exclusive original jurisdiction of cases arising under, or by reason of the violation of any city ordinances, and shall have the same powers and jurisdiction as justices of the peace in all other criminal actions, and the judges of said courts shall be magistrates, with all powers and jurisdiction of justices of the peace as magistrates.

Sec. 15. **Manner of commencing action. Summons.** The manner of commencing an action in a city court, the requisites of a summons and the manner of service and return of summons, shall conform as nearly as may be to the practice prescribed for district courts, *provided* that the summons must contain a direction that the defendant must appear within ~~five~~ days after the service of summons, if served in the city in which the action is brought, otherwise within ten days after its service. If a copy of the complaint is not served with the summons, the words "of which a copy is herewith served upon you," may be omitted or erased, and in place thereof may be inserted the words, "which within ~~four~~ days after service of this summons upon you, will be filed in said court."

amended p. 33  
fix

The, &c.

Sec. 16. **Demurrer. Reply.** The plaintiff may demur to the answer or to the counterclaim, or if he do not demur thereto, reply to the counterclaim within five days after the service of the several pleadings, and the defendant may within five days after the service thereof, demur to the reply, or any defense therein, in conformity with the practice in district courts.

Sec. 17. **Judgments.** Judgments in city courts must be entered substantially in the form in which they are required to be entered in district courts. When the amount found due to either party exceeds the sum for which the court is authorized to enter judgment, such party may remit the excess, and judgment may be rendered for the residue.

Sec. 18. **Motion for new trial. Appeal.** From all final judgments of a city court a motion for a new trial may be made, and an appeal may be taken by either party in a civil case, or by the defendant in a criminal case, to the district court of the county in the manner and with like effect as is now, or may be provided by law for appeals from justices' courts in similar cases, and from all final judgments in the district courts rendered upon such appeals, an appeal may be taken to the supreme court in like manner as if said actions were originally commenced in the district court; *provided, however*, when the judgment of the district court does not exceed one hundred dollars,

amended, 03  
p. 48.

exclusive of costs, that the same shall be final, and no appeal shall lie therefrom; *and provided further*, that in all cases involving the validity or constitutionality of the statute, there shall be a right of appeal to the supreme court.

**Sec. 19. Actions under city ordinance tried without jury. Exceptions.** All actions before a city court, arising under the city ordinance, shall be tried and determined by such court without the intervention of a jury, except in cases where imprisonment for a longer period than thirty days is made a part of the penalty, or where the maximum fine may exceed \$50.00. The defendant shall demand a trial by jury before the commencement of the trial, and when such a demand shall be made, a jury shall be impaneled in the same manner as provided for the impaneling of a jury in justices' courts. All the provisions of law which are applicable to jurors and juries in civil and criminal actions in justices' courts, except as otherwise provided in this act, are applicable to city courts and the proceedings therein.

**Sec. 20. Abstracts docketed by clerk of district court. Lien. Execution.** An abstract of a judgment of the city court may be filed in the office of the clerk of the district court of any county in the state, and must be docketed in the judgment docket of the district court thereof in the same manner as abstracts of judgments of justices' courts, and when the same is so docketed, it shall be a lien upon the lands of the judgment debtor, and an execution may be issued thereon, and it shall have the same effect and force as a judgment of a justices' court, duly docketed in the office of the clerk of the district court.

*revised 03  
p. 54*  
**Sec. 21. Executions and process issued by ex officio clerk.** Executions upon judgments and all writs and process except summons of the city court, shall be issued by the ex-officio clerk thereof, and shall conform as nearly as may be to executions, writs and process issued by the clerk of the district court.

*revised 03  
p. 50*  
**Sec. 22. Fees.** For services rendered by the ex-officio clerk of the city court, he shall collect in advance the fees hereinafter enumerated, and pay the same into the city treasury: For all services performed by him in any action or proceeding, including the entry and docketing of judgment by default, \$2.00, to be collected in advance from the party commencing the action. For trial of an issue of fact, \$2.00. For entering judgment by confession, \$3.00; for issuing execution, 25 cents; for abstract of a judgment, 25 cents, for services in proceeding supplementary to execution, \$1.00, for transcript on appeal and certificate thereto, \$1.00.

**Sec. 23. Ex-officio clerk custodian of papers and records.** The ex-officio clerk shall be the custodian of all the files, papers, indexes and dockets of justices of the peace of cities of the first class, whose term of office shall have expired, and said justices of the peace are hereby required and directed, on the termination of their offices, to deliver to said clerk all of their papers, files, indexes and dockets, and the said clerk is hereby made responsible for the care and safe keeping of all such records, and the said city courts are hereby

authorized and directed to proceed to hear and determine all actions and causes so pending before such justices of the peace, and to issue final process therein, and to receive such fees therefor as are now or herein may be provided by law.

**Sec. 24. Certain fees to be paid by county.** The fees, charges and amounts for services rendered by the city courts for services in the trial and examination of persons charged with crimes under the state laws, shall be as now provided by law for justices of the peace, and one-half of the same shall be paid to the clerk by the county in the manner now provided by law. All sums now required by law to be paid to jurors and witnesses in criminal cases in justices' courts, arising under the state laws, shall be paid by the county, in the manner now provided by law, and all sums now required by law to be paid to jurors and witnesses in cases arising in justices' courts under the city ordinances, shall be paid in the manner now provided by law.

**Sec. 25. Fees collected to be paid to city and county.** All fees collected by the ex-officio clerk of city courts, and all fines and costs collected for the violation of city ordinances, and one-half of the fines collected, and one-half of the costs for violation of state laws, shall be paid in by him to the city treasury of the city of the first class, wherein said courts are established, and the remainder of the fines and costs collected for the violation of state laws shall be paid in by him to the county treasury of the county within which said city is situated.

**Sec. 26. Parties may appear in person or by attorney.** Parties in city courts may appear and act in person, or by attorney. If any person shall practice law in a city court without having a license as attorney and counselor, as provided by law, he is guilty of contempt of court.

**Sec. 27. Court open every day except.** City courts shall be open for the transaction of business every day except Sundays, legal holidays and the day on which a general election is held; *provided*, it can be open upon any of said days for the following purposes:

1. To give, upon their request, instructions to the jury when deliberating on their verdict.

2. To receive a verdict or discharge a jury.

3. For the exercise of the powers of the magistrate in a criminal action, or in a proceeding of a criminal nature, and to try persons charged with violating city ordinances, *provided* that in civil causes orders of arrest may be made and executed, writs of attachment and executions may be issued and served, proceedings to recover possession of personal property may be had, and suits and processes, after obtaining any such writs, and proceedings, including criminal actions, may be instituted, issued and served on any day.

**Sec. 28. Rules of practice.** The sections of the code of civil procedure, and the amendments thereto, relating to the rules of practice and mode of procedure in the district court, and providing

*Amended to  
p. 27*

for provisional remedies, and prescribing the practice and procedure in special proceedings, and all the laws of this state, except as in this act otherwise provided, are applicable to the city court, and necessary changes and substitutions being made herein. In order that the powers, rules of practice and mode of proceedings of the city court shall conform as near as possible to that of the district court, as the same are, or may hereafter be, prescribed by law, and all those sections of the code of criminal procedure, and the amendments thereto, relating to the trial of criminal actions in justice courts, and the procedure and practice of committing magistrates are likewise made applicable to the city court, the necessary changes and substitutions being made therein.

Sec. 29. This act shall take effect upon approval.

Approved this 22nd day of March, 1901.

---

## CHAPTER 110.

### WHO MAY ACT AS ATTORNEY IN JUSTICES,' MUNICIPAL AND CITY COURTS.

AN ACT to amend section 3678 of the Revised Statutes of Utah, 1898, providing who may act as attorney in justices' municipal and city courts.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 3678, of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read as follows:

3678. **Who may act as attorney.** Parties in justices' courts, cities other than the first class, may appear and act in person, or by attorney, and any person, except the officer by whom the summons or jury process was served, may act as attorney; *provided*, that in cities of the first class, no person other than the parties to the action, shall conduct or prosecute a suit in a justice, city or municipal court except attorneys at law who shall have been regularly admitted to practice in the courts of this state.

Sec. 2. This act shall take effect upon approval.

Approved this 22nd day of March, 1901.

## CHAPTER 111.

## CERTAIN COUNTY AND PRECINCT OFFICERS.

AN ACT to amend section 545 of the Revised Statutes of Utah, 1898, providing for the election of certain county and precinct officers and fixing their terms of office.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 545, of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

545. **Certain county and precinct officers to be elected.** The elective county and precinct officers, except otherwise provided for in this title, and except justices of the peace and constables, in cities having a population of more than fifteen thousand and less than forty thousand inhabitants, shall be elected at the general election to be held in November, 1898, and every two years thereafter unless otherwise provided, and shall take office at twelve o'clock meridian, on the first Monday in January next following the date of their election. Commissioners shall be elected as hereinbefore provided. All officers elected under the provisions of this title shall hold office until their successors are elected and appointed and qualified. The judges of election in each school district, in which electors are entitled to vote for county superintendents of schools, shall canvass the ballots cast for such office in such district, and certify the result to the county clerks of the respective counties, and said county clerks shall, in the presence of the candidates or their representatives, after due notice, proceed to canvass said returns and shall issue to the person receiving the highest number of votes cast at said election for said office, a certificate of election.

*amended  
p. 116.*

Sec. 2. This act shall take effect upon approval.

Approved this 22nd day of March, 1901.

## CHAPTER 112.

## MUNICIPAL COURTS.

AN ACT to create and organize a municipal court in certain cities, and to define the powers, and duties, and jurisdiction thereof, and making the judge of said court ex-officio justice of the peace of said cities, and ex-officio justice of the peace of the precincts embraced in said cities.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Municipal courts established. Judge. Election and qualifications.** That in all cities of this state having a population of more than fifteen thousand and less than forty thousand inhabi-

tants there is hereby created a court to be called "The municipal court for.....city, Utah." Said court shall consist of a judge. The judge thereof to be eligible to hold said office, must be at least twenty-five years of age, and admitted to practice in the supreme court of this state, and must, at the time of his election, be an elector of the city in which said court is established. Said judge shall be elected at the election to be held in November, 1901, and biennially thereafter and his term of office shall begin on the first Monday in January, 1902, and shall hold office for the term of two years and until his successor is elected and qualified. Said judge shall not engage in the practice of law during his term of office, nor shall he have a partner engaged in the practice of law in any of the courts of this state. The salary of said judge shall be fifteen hundred dollars per annum, payable quarterly from the city treasury of said city of the second class.

Sec. 2. **Shall have seal.** Said municipal courts shall have a seal, and all process out of said court shall be attested by said seal. Said seal contain the following: "Municipal court of.....city, .....county, state of Utah."

Sec. 3. **Judge pro tem.** At any time before trial of any civil cause in said municipal court, when the judge of the said court is for any reason disqualified from acting, or the parties to the trial may stipulate that any person may be chosen to sit as judge, pro tem, in said cause, with all the powers of the judge thereof, and the compensation of the judge, pro tem, shall be agreed upon by the litigants and paid by them, and in no case shall said judge, pro tem, have any claim against the municipality for any services rendered by him.

Sec. 4. **Appeals.** In all cases, appeals shall lie from said municipal court to the district court of the district in which said city may be situated, and for that purpose the procedure and practice relating to appeals from justices' courts to district courts, shall be the procedure and practice for taking appeals from said municipal court.

Sec. 5. **New trials.** New trials may be had and obtained in said municipal court, according to the course and practice of new trials in courts of the justices of the peace, and for that purpose the procedure and practice relating to new trials in courts of justices of the peace shall be the procedure and practice relating to new trials in said municipal court.

Sec. 6. **Civil jurisdiction.** The civil jurisdiction of said municipal court shall be the same as that exercised by courts of justices of the peace, and in addition thereto, said court is given like jurisdiction in all cases arising in said county where said court is established.

Sec. 7. **Criminal jurisdiction.** The criminal jurisdiction of said municipal court shall be the same as is now possessed by justices of the peace of cities of the second class, or county justices of the peace.

*revised 03  
172-05*

**Sec. 8. When cases to be tried before judge pro tem.** Whenever it shall be made to appear by affidavit, that the judge of said court is disqualified in any way, or that any of the parties to any action would, under the procedure and provisions relating to change of venue in justices' courts, be entitled to a change of venue, said cause shall be tried before a judge, pro tem, as hereinbefore provided.

*amended 03  
p. 179*

**Sec. 9. Procedure in jury trials.** The provisions of the code of civil procedure, relating to jury trials in justices' courts shall govern and control the matter of jury trials in said municipal court.

**Sec. 10. Procedure in certain cases.** The provisions of the code of civil procedure, relating to contempts, attachments, garnishments, claim and delivery, arrest of absconding debtors, in justices' courts, are hereby made applicable to like proceedings in the municipal court herein created, the necessary changes and substitutions being made therein.

**Sec. 11. Procedure general.** The code of civil procedure, relating to justices' courts, shall be the code of procedure of said municipal court, excepting as otherwise provided for in this act.

*amended 03  
p. 179*

**Sec. 12. Fees.** Upon the filing of a complaint in said municipal court the party filing the same shall pay the sum of one dollar and fifty cents, and at the time of the entering of the judgment, other than a judgment of dismissal without trial, the further sum of one dollar shall be paid, which said sums shall be payments in full of all costs in said action (exclusive of officers' fees, relating to service of process and other papers, fees of witnesses and fees relating to jury trials) which said costs so collected as aforesaid, shall be paid by said court monthly into the treasury of the city where said court is established.

**Sec. 13. Court to be provided with necessary blanks and books. Dockets to be kept.** Said municipal court shall be provided by said cities of the second class, with the necessary blanks, dockets, indexes, file cases and receptacles for keeping the records and proceedings of said court, and to preserve the papers and files of any case filed in said court, and the clerk of said court must enter upon the dockets, both civil and criminal of said court, such entries as are now provided to be kept and entered by justices of the peace.

**Sec. 14. Clerk of court to be appointed by the judge. Salary.** The clerk of said court shall be appointed by the judge thereof, by and with the advice and consent of the city council, and which clerk shall be paid a salary of not more than seventy-five dollars per month, by the city where said court is established. The duties of said clerk shall be to keep the records and seal of said court, and issue any and all processes required to be issued under the seal of said court and perform such other duties as may be required of him in relation to said court, by the judge thereof, and as may be prescribed by ordinance.

**Sec. 15. Summons. Form of.** The summons issued out of said court shall be substantially in the following form:

(Title of court and cause.)

The state of Utah to said defendant:

You are hereby summoned to appear before the above entitled court within ten (10) days after the service of this summons upon you, if served within the county in which this action is brought; otherwise within twenty (20) days after this service, and defend the above entitled action; in case of your failure to do so, judgment will be rendered against you according to the demand of the complaint.

Witness the Hon. \_\_\_\_\_, judge of said court, with the seal thereof this \_\_\_\_\_ day of \_\_\_\_\_,

[Seal.]

Clerk.

**Sec. 16. Court must give notice of trial.** Said municipal court shall give notice of the trial of any case at issue in said cause, to the attorneys of record, and in case the parties are not represented by attorneys, to the parties themselves, and in case said parties, or either of them fail to appear, at the time and place designated in said notice, and after proof of the service of said notice, the court shall proceed to try the case.

**Sec. 17. All fees to be paid into city treasury.** Said judge of said municipal court shall receive no fees in addition to the salary herein provided for, and any and all fees charged and collected by him, by virtue of his office, shall be turned into the city treasury.

**Sec. 18. Fees to be collected.** Said court shall charge and collect as fees in all cases after judgment is rendered, such fees as are now charged and collected and provided for by justices of the peace; which fees shall be turned into the city treasury.

**Sec. 19. Judge to be ex-officio city and precinct justice.** Said judge of said municipal court, shall be ex-officio city justice of the peace, and precinct justice of the peace, and as such municipal judge as aforesaid, shall perform the duties of the offices of said city justice of the peace and of said precinct justice of the peace.

**Sec. 20. Process.** All process from said municipal court shall run to the sheriff or any constable of the county, and in criminal actions, also to any policeman of said city.

**Sec. 21. Procedure in preliminary examinations.** Chapter 16 of title 76 of the Revised Statutes of Utah, 1898, relating to preliminary examinations, is hereby made applicable to the municipal court hereby created, and said municipal court is hereby given all of the powers and duties bestowed by said chapter upon justices of the peace.

**Sec. 22. Mayor to fill vacancies by appointment.** In case of vacancy occurring in the office of the judge of said court by death, resignation, removal or otherwise, the mayor of said city shall have the power to appoint with the advice and consent of the city council, a judge for the unexpired term.

**Sec. 23. Judges and clerk to qualify.** The judge of said court,

*Amended '03  
p. 179*

*Amended '03  
p. 179*

*Amended '03  
p. 179*



before entering upon the discharge of his duties, shall take the constitutional oath of office, and give bond for the faithful performance of his duties, in the sum of five thousand (\$5,000.00) dollars. The clerk of said court shall take a like oath and give a like bond to be approved by the mayor of said city, and together with said oaths of office filed with the city recorder.

Sec. 24. Judge is successor to justices of the peace. Said municipal judge, as ex-officio justice of the peace, as provided for in this act, is hereby made the successor of the justices of the peace now qualified or acting in the precinct embraced within said cities of the second class.

Approved this 14th day of March, 1901.

*adding Sec. 25-  
124-05*

### CHAPTER 113.

#### JUDGMENT FOR TAXES UNLAWFULLY COLLECTED.

AN ACT in relation to judgments obtained against county officers or counties for unlawful collection of taxes, and the liabilities of the state and school districts for the respective amounts received.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. When judgment recovered for taxes unlawfully collected, state and school districts liable for their proportion. When taxes have been or may hereafter be collected by the authorized officer of any county, and judgment has been or may hereafter be obtained against such county or its authorized officer, determining such taxes to have been unlawfully collected, and any portion of such taxes are state taxes or state school taxes or district school taxes or county school taxes which have been paid over to the state or to any school district by such county or its authorized officer, the state and any school district which has received the same or any part thereof, shall be liable to the judgment debtor for the amount so received and lawful interest thereon from the time of receiving the same and for an equitable portion of the costs of action.

Sec. 2. This act shall take effect upon approval.

Approved this 22nd day of March, 1901.

### CHAPTER 114.

#### CONTENTS OF NOTICE BY MAIL IN PROBATE PRACTICE.

AN ACT to amend section 4033 of the Revised Statutes of Utah, 1898, prescribing the contents of notices by mail under provisions of probate code.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 4033 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

4033. **Contents of notice.** In all cases in which it is provided that notice by mail shall be given, it shall be the duty of the clerk to address to each person entitled to such notice at his place of residence, if known, a written or printed copy of the order or a notice containing the substance of the order, and deposit the same in the post-office with the postage thereon prepaid.

Personal service of such notice at least ten days before the day of hearing is equivalent to mailing.

Approved this 23rd day of March, 1901.

---

## CHAPTER 115.

### POSTING NOTICES UNDER PROBATE CODE.

AN ACT relating to the manner of posting notices in proceedings under the probate code

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Manner of posting notices.** In all cases in which it is provided in the probate code, or in which the court, judge or clerk may direct that notice be given by posting notices, it shall be sufficient if the notice or order be posted in at least three public places, in the county, one of which must be at the court house of the county, for the time required by law, or prescribed by the court, judge or clerk.

**Sec. 2.** This act shall take effect upon approval.

Approved this 23rd day of March, 1901.

---

## CHAPTER 116.

### REDEMPTION OF REAL ESTATE FROM TAX SALE.

AN ACT to amend section 2627, of the Revised Statutes of Utah, 1898, in relation to redemption of real property from tax sales.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 2627 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

2627. **Manner of redemption from tax sale.** Real estate sold for taxes may be redeemed by any person interested therein, at any time within four years after the date of the sale thereof, by such person paying into the county treasury for the use of the purchaser or his legal representatives, the amount paid by such purchaser, and

all costs as aforesaid, together with the sum of fifty cents for a redemption certificate, and all taxes that have accrued thereon and which have been paid by the purchaser after his purchase to the time of redemption, together with interest at the rate of one per cent per month on the whole from the date of payment to the day of redemption; *provided*, that when two or more parties are interested in a piece of property which has been sold for taxes, either party may redeem the property in which he is interested, upon a payment of that portion of the taxes, interest and costs which his property bears to the whole, together with the sum of fifty cents for redemption certificate.

Sec. 2. This act shall take effect upon approval.

Approved this 23rd day of March, 1901.

---

## CHAPTER 117.

### COUNTY BOARD OF EXAMINERS.

AN ACT to amend section 1794 of the Revised Statutes of Utah, 1898, providing for the appointment, removal and the manner of compensation of county board of examiners.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1794 of the Revised Statutes of Utah 1898, be, and the same is hereby amended to read as follows:

1794. **County board of examiners. Appointment. Removal. Compensation.** The county superintendent, together with two other persons who shall be practically experienced educators, shall constitute the county board of examiners. The county superintendent shall be the chairman of the board. The associate examiners shall be residents of the county in which they are to serve, and shall be appointed by the county superintendent by and with the consent of the board of county commissioners, for a term of one year. The county commissioners shall have power to remove either of the associate examiners upon the recommendation of the county superintendent, for misconduct or incapacity, and to fill any vacancies occurring in the office of either the said two appointees. The two appointees shall be paid for their services from the county school funds upon the warrant of the county auditor, approved by the board of county commissioners.

Approved this 23rd day of March, 1901.

## CHAPTER 118.

## FORM OF ASSESSMENT ROLL.

AN ACT amending section 2546, of the Revised Statutes of Utah, 1898, in relation to taxation and defining the powers and duties of the state board of equalization.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2546 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

2546. **State board of equalization must furnish form of assessment roll.** The state board of equalization must prepare and furnish to each county, an assessment book with appropriate headings, in which must be listed by the county assessor of each county all property within the county, and in which must be specified in separate columns under the appropriate head:

1. The name of the person to whom the property is assessed, together with his post office address, giving the street and number or the number of lot and block so far as possible to obtain same from taxpayers' statements, county records, or otherwise.

2. Land by township, range, section, or fractional section or lot; and when such land is not a United States land division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres (not exceeding in each and every tract six hundred and forty acres), locality, and the improvements thereon.

3. City and town lots, naming the city or town, and number of the lot and block according to the system of numbering in such city or town, and the improvements thereon.

4. Mines and mining claims by name and number of lot.

5. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.

6. The cash value of real estate other than city or town lots.

7. The cash value of improvements on such real estate.

8. The cash value of city and town lots.

9. The cash value of improvements on city and town lots.

10. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

11. The cash value of all personal property exclusive of money.

12. The purchase price per acre paid the government for mines and mining claims.

13. The amount of money.

14. Taxable improvements owned by the person, firm, association, or corporation located upon land exempt from taxation must, as to the manner of assessment, be assessed as other real estate upon

the assessment roll. No value, however, must be assessed against the exempt land, nor under any circumstances must the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

15. The total value of all property.

16. Such other things as the state board of equalization may require; *provided*, that all assessments made on property within this state prior to the taking effect of this title so far as the same have been made in accordance with law, are hereby validated and confirmed; *and provided further*, that the state board of equalization is empowered, whenever it may deem it necessary, to furnish the assessment book required by this section, in two books, viz: one book for the listing of all real estate, improvements, mines and mining claims, and one book for the listing of all personal property.

Approved this 23rd day of March, 1901.

---

## CHAPTER 119.

### BRANDS, LABELS AND PROPERTY MARKS.

AN ACT in relation to the brands and property marks of bottles, kegs, casks, barrels, boxes, fountains, tanks, siphons and other vessels, and tools, implements and apparatus of all kinds, and for the protection of owners thereof, and providing a penalty for the violation hereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Owner of brand, label or property mark must file description in county clerk's office and publish same. All manufacturers, bottlers or dealers in soda or mineral waters, beer, ale, porter, cider, wine or other beverages, or medical or other preparations, who shall use barrels, kegs, casks, boxes, fountains, tanks, jugs, siphons, bottles or other vessels, or any tools, implements or apparatus, upon which shall be stamped, impressed, engraved, printed, painted or in any manner affixed the names, brands, marks, trademarks or other designations of ownership by said manufacturers, bottlers or dealers respectively, shall file in the office of the county clerk of the county wherein the principal office, manufactory or depot of such business is located in this state, a description of the names, brands, marks or other designations of ownership, so used by them respectively, and cause the same to be published for two successive weeks in a daily newspaper of general circulation in such county; *provided, however*, that it shall be unlawful for any manufacturer, bottler or dealer aforesaid to file or publish as aforesaid the name, brand, mark or trademark of or other designation of ownership by any other manufacturer, bottler or dealer.

**Sec. 2. Unlawful for any person to use, sell or injure any package labeled with any such brand.** It shall be unlawful for any person or persons, without the written consent of the owner or owners thereof, to use, sell, dispose of, buy or traffic in, or to wilfully break, destroy or otherwise injure any such barrels, kegs, casks, boxes, fountains, tanks, siphons, bottles, jugs or other vessels or any of such tools, implements or apparatus, or to wilfully mar or erase any such names, brands, marks or other designations so appearing thereon, or to fill any such barrels, kegs, casks, boxes, fountains, tanks, siphons, bottles, jugs or other vessels with other beverages, medicines, compounds or substances whatever.

**Sec. 3. Penalty.** Any person or persons, association or corporation, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be fined five dollars for every barrel, cask, keg, box, siphon, fountain or tank, and one dollar for every bottle, jug or other vessel, and one dollar for every tool, implement or other apparatus, so by him or them used, sold, disposed of, bought, trafficked in or so marred, erased, broken, destroyed or otherwise injured or filled, together with the costs of prosecution; and the employer or principal shall be so liable for the acts of his employees or agents for any such violation of this act, when engaged in the business of such employer or principal.

**Sec. 4. Procedure.** The using by any person other than the rightful owner thereof, without such written permission, of any such cask, barrel, keg, fountain, tank, bottle, siphon, box or other vessel for the sale therein of ale, porter, lager beer, soda or mineral waters, or other beverages, or any other article of merchandise, medicine, compound or preparation to be furnished to customers, or the buying, selling or trafficking in any such barrel, keg, bottle, fountain, tank, siphon, box or other vessel, or any such tool, implement or apparatus by any person other than the owner, without the written permission of such owner, or the fact that any junk dealer or other dealer in casks, kegs, bottles, siphons, boxes, fountains, tanks or other vessels, or the fact that any other manufacturer or bottler who is not the rightful owner thereof shall have in his possession any such cask, barrel, keg, bottle, fountain, tank, siphon, box or other vessel, tool, implement or apparatus, so marked or stamped and registered as aforesaid, without such written permission, shall and is hereby declared to be a prima facie evidence that such use, buying, selling, trafficking in or possession is unlawful within the meaning of this act. And it is hereby declared to be the duty of any justice of the peace, upon complaint having been made in writing before him, that any person or persons, associations or corporation has violated any of the provisions of this act, to immediately issue his warrant and cause such person or persons so accused to be brought before him, and proceed to try such accused party, and in case such accused party be found guilty of having violated any of the provisions of this act, to assess the fine as provided in the third section of this act,

such fines and costs to be collected as provided by law in other cases of misdemeanor.

**Sec. 5. Search warrant.** In case such owner or owners of any such cask, barrel, bottle, box, fountain, tank, siphon or other vessel, or tool, implement or apparatus, shall, in person or by his agent, make oath in writing before any justice of the peace, that he has reason to believe, and does believe, that any other person is possessed of or is using as by this act declared unlawful, any of the casks, barrels, kegs, bottles, boxes, fountains, tanks, siphons, or other vessels, tools, implements or apparatus of such person or his principal or that any junk dealer or other dealer in casks, barrels, kegs, bottles, siphons, fountains, tanks, or boxes, or any other dealer, manufacturer or bottler, has any such casks, barrels, kegs, boxes, fountains, tanks, siphons or other vessels or tools, implements or apparatus secreted in, about or upon his, her or their premises, the said justice of the peace shall issue his search warrant and cause the premises so designated to be searched, as in other cases where search warrants are issued, as is now provided by law. And in case such barrel, cask, keg, bottle, box, fountain, tank, siphon or other vessel, or any such tools, implements or other apparatus shall be found in, about or upon the premises so designated, the officer executing such warrant shall thereupon arrest the person or persons named in such search warrant, and bring him, her or them before the justice of the peace who issued such warrant, who shall thereupon hear and determine such case, and if the accused is found guilty he, she or they shall be fined, as provided in the third section of this act.

**Sec. 7. Exemption from penalty on condition.** That no person shall be subject to punishment, or liable to the penalty prescribed in this act, who shall, within thirty days after the approval thereof, in good faith, offer to deliver all such articles in his possession or under his control, to the rightful owner, upon payment to him by such owner of any rebate or deposit which such owner received when he parted with possession of the same.

Approved this 23rd day of March, 1901.

## CHAPTER 120.

## ANNEXATION OF SAN JUAN COUNTY TO GRAND COUNTY.

**AN ACT** amending section 467 and repealing section 476 of the Revised Statutes of Utah, 1898, providing for annexing San Juan county to Grand county, the manner of carrying the same into effect, and prescribing the conditions thereof.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 467 of the Revised Statutes of Utah, 1898, be, and the same is hereby amended to read follows:

**467. Grand county:** Beginning at the intersection of the summit of Brown Cliffs with the eastern boundary of the state, thence westerly along the summit of said cliffs to the third standard parallel south; thence west to the middle of the main channel of Green river; thence southerly and southwesterly down the middle of the channel of the Green and Colorado rivers to the southern boundary of the state; thence east to the eastern boundary of the state; thence north to the place of beginning.

**Sec. 2. Sec. 476 repealed.** That section 476 of the Revised Statutes be, and the same is hereby repealed.

**Sec. 3. San Juan annexed to Grand county.** That all territory heretofore included within the boundaries of San Juan county is hereby annexed to and made part of Grand county.

**Sec. 4. Precincts and school districts continued.** That the precincts and school districts existing in the county of San Juan at the time this act takes effect shall so continue and become precincts and school districts of the county of Grand, and shall remain as now organized until changed in pursuance of law, and the officers of such precincts and school districts shall hold their respective offices until the expiration of the terms thereof.

**Sec. 5. Property of San Juan county vested in Grand county.** That all property, both real and personal, held and owned by the county of San Juan at the time of the taking effect of this act is hereby vested in the county of Grand.

**Sec. 6. Terms of county officers terminated. Must deliver books and papers.** That upon the taking effect of this act the terms of all county officers in the county of San Juan shall terminate and cease, and it is hereby made the duty of such officers to immediately deliver to the corresponding officers of Grand county all books, records, property and effects belonging to such offices, and the same shall become the public and official books, records and papers of Grand county.

**Sec. 7. Persons in custody to be delivered.** Any person who, at the time of the taking effect of this act is confined under lawful commitment in the county jail of San Juan county, or otherwise lawfully held to answer for alleged violation of any of the criminal laws of this state within said county, shall be immediately delivered to the



sheriff of Grand county, and such person shall be confined in the county jail of Grand county for the unexpired portion of the sentence or held to answer as specified in the commitment.

**Sec. 8. Criminal actions pending.** All criminal prosecutions and penal actions which shall be pending in San Juan county at the time of the taking effect of this act shall be prosecuted to judgment and execution in Grand county. All offenses committed in the county of San Juan prior to the taking effect of this act and which shall not have been prosecuted, may be prosecuted in the county of Grand.

**Sec. 9. Civil actions pending.** All actions, cases, proceedings and matters pending in the district court in San Juan county at the time of the taking effect of this act may be proceeded with in the district court in Grand county.

**Sec. 10. Bonded indebtedness.** That upon the taking effect of this act all bonded indebtedness of the county of San Juan shall be transferred to and become the indebtedness of the county of Grand, with like effect as if the same had been issued by the county of Grand.

**Sec. 11. When act takes effect.** This act shall take effect upon the first Monday in January after the date upon which a majority of the legal voters of the said counties shall vote in favor of annexing the county of San Juan to the county of Grand at an election held in pursuance of the provisions of the law for submitting such questions to the legal voters of said counties.

Approved this 23rd day of March, 1901.

---

## CHAPTER 121

### MANNER OF ANNEXING A COUNTY TO AN ADJOINING COUNTY.

**AN ACT** providing the manner of annexing a county to an adjoining county, and prescribing the conditions of such annexation.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Petition for annexation. Submission to electors.** Whenever a majority of the legal voters of any county of this state desire to have the territory included within the boundaries of such county annexed to an adjoining county, they may petition therefor to the board of county commissioners of the county in which they reside, which shall be hereafter referred to as the county to be annexed, as well as to the board of county commissioners of the county to which they desire to be annexed, which shall hereafter be referred to as the annexing county. Such petition must be presented before the first Monday in June of any year, and if presented in a year during which the general election is held, the county commissioners must cause the said proposition to be submitted to the legal voters of each of said counties at a general election. If the petition be presented during the year in which there is no general

election, then the boards of county commissioners must call a special election to be held on the first Tuesday after the first Monday in November following the presentation of such petition, and must cause the proposition to be submitted to the legal voters of the respective counties on that day. Except as herein otherwise provided, such election shall be held, the result thereof canvassed and returns made under the provisions of the general election laws of the state. The ballot to be used shall be "For annexing.....county to .....county." "Against annexing.....county to.....county."

**Sec. 2. Returns must be transmitted to Secretary of State.** As soon as the returns of the vote upon such proposition have been canvassed by the county boards of canvassers, each county clerk must make a certified abstract thereof, seal up such abstract, indorse it "Election returns," and, without delay, transmit it by registered mail to the Secretary of State.

**Sec. 3. If vote in favor of annexation Secretary of State must certify result to Governor.** The certified abstract of such returns must be filed in the office of the Secretary of State, and if it appear therefrom that a majority of the voters in each of the counties have voted in favor of such annexation, the Secretary of State must certify the result of such vote to the Governor.

**Sec. 4. Governor must issue proclamation. Publication.** The Governor must thereupon issue his proclamation stating therein the result of the vote in each of said counties, and that the annexation of the one county to the other will take effect on the first Monday in January following. Such proclamation must immediately be published in a newspaper having general circulation in the state, as well as in a newspaper published in each county voting on the proposition, if a newspaper be published in each of said counties.

**Sec. 5. Conditions of annexation.** Whenever a majority of the legal voters of each of the counties to which the proposition is submitted vote in favor of annexing one county to another, in the manner hereinbefore provided, such annexation shall be made under the following conditions:

**First.**—Such annexation shall be complete and take effect on the first Monday of January following the day of the election at which such proposition was submitted.

**Second.**—All territory theretofore included within the boundaries of the county to be annexed and to become the territory of the annexing county.

**Third.**—The precincts and school districts existing in the county to be annexed shall continue and become precincts and school districts for the annexing county, and remain as then organized until changed in the manner provided by law, and the officers of such precincts and school districts shall hold their respective offices until the expiration of the terms thereof.

Fourth.—That all property, both real and personal, held and owned by the county to be annexed shall be vested in the annexing county.

Fifth.—The terms of all county officers in the county to be annexed shall terminate and cease on the day the annexation takes effect, and it is made the duty of such officers to immediately deliver to the corresponding officers of the annexing county all books, records and papers of the annexing county.

Sixth.—Any person who is confined under lawful commitment in the county jail of the county to be annexed, or otherwise lawfully held to answer for alleged violation of any of the criminal laws of this state within said county, shall be immediately delivered to the sheriff of the annexing county, and such person shall be confined in the county jail of said county for the unexpired term of the sentence, or held to answer as specified in the commitment.

Seventh.—All criminal proceedings and penal actions which shall be pending in the county to be annexed shall be prosecuted to judgment and execution in the annexing county.

All offenses theretofore committed in the county to be annexed, which shall not have been prosecuted, may be prosecuted in the annexing county.

Eighth.—All actions, cases, proceedings and matters pending in the district court in the county to be annexed, may be proceeded with in the district court of the annexing county.

Ninth.—All bonded indebtedness of the county to be annexed shall be transferred to and become the indebtedness of the annexing county, with like effect as if the same had been issued by such county.

Approved this 23rd day of March, 1901.

---

## CHAPTER 122.

### QUARANTINE REGULATIONS.

AN ACT amending sections 14 and 15 of chapter 45, Laws of Utah, 1899, providing for the suppression of nuisances and contagious diseases, prescribing quarantine rules and regulations therefor, and relating to burial permits and health of schools.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 14 and 15 of chapter 45, Laws of Utah, 1899, be and the same are hereby amended to read as follows:

Sec. 14. **Time of quarantine.** The quarantine flag shall be allowed to remain at least twenty-one days after scarlet fever or smallpox and fourteen days after diphtheria is first reported, and it shall be unlawful for any person or persons to remove or interfere

in any way with said flag without permission from the board of health. In case of death the flag shall remain for a period of not less than seven days, and longer unless the board of health is satisfied that all proper means have been employed for preventing the spread of contagion. Any person having whooping cough shall be quarantined in every respect the same as in scarlet fever or smallpox as described herein.

Sec. 15. **Quarantine regulations.** No person who is, or who has been affected with any of the diseases named in section 12 of this act, except typhoid fever, shall be permitted to leave the house in which he or she resides, without a permit from the board of health, to be issued on receipt of a certificate from the attending physician that all danger of communicating the disease has passed; and no person residing or lodging in a house wherein such disease is present will be permitted to leave the house without permission from the board of health. Twenty-one days must have elapsed after the quarantine has been removed from the place wherein scarlet fever or smallpox, and fourteen days wherein diphtheria has existed, before a permit to attend school will be granted the person who was affected with the disease. Other persons residing in the house will be allowed to attend school upon the removal of the quarantine, *provided*, they first obtain a permit from the board of health, which shall be presented at the school.

Sec. 2. This act shall take effect upon approval.

Approved this 23rd day of March, 1901.

---

## CHAPTER 123.

### DISTRICT SCHOOL TAX TO REFUND TAXES UNLAWFULLY COLLECTED.

AN ACT authorizing trustees of school districts to levy a tax to refund taxes unlawfully collected.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Trustees may levy tax to pay judgment obtained for taxes illegally collected. That when any judgment is obtained in a court of competent jurisdiction against a school district for taxes unlawfully collected for and received by such school district, or when there are no funds for the payment of warrants issued by the trustees of any school district to refund taxes unlawfully collected for and received by such school district, the trustees of any such school district shall, in addition to all other taxes which they are empowered to levy, order to be raised upon the taxable property in such school district a sufficient amount of revenue to pay such judgment and warrants.

Sec. 2. **When made.** Such order may be made on or before the first day of May of any year after the rendition of such judgment or the issuance of such warrants.

Sec. 3. This act shall take effect upon approval.

Approved this 23rd day of March, 1901.

---

## CHAPTER 124.

### POWERS OF CITY COUNCILS.

AN ACT to amend section 206 of the Revised Statutes of Utah, 1898, relating to the powers of city councils.

*Be it enacted by the Legislature of the State of Utah:*

That section 206 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

**206. Powers of city council enumerated.** The city council shall have the following powers:

1. To control the finances and property of the corporation.
2. To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation; and to purchase, receive, hold, sell, lease, convey, and dispose of property, real and personal, for the benefit of the city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.
3. To levy and collect taxes for general and special purposes on real and personal property as provided by law.
4. To fix the amount, terms, and manner of issuing licenses.
5. To erect all needful buildings for the use of the city.
6. To borrow money on the credit of the corporation for corporate purposes, in the manner and to the extent allowed by the constitution and the laws, and to issue warrants and bonds therefor, in such amounts and forms and on such conditions as the council shall determine. The council shall provide for the payment of the interest on such bonds as the same shall become due, and for a sinking fund for the payment of the principal thereof within twenty years after issuing the same.
7. To issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or funding of the same.
8. To lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, parks and public grounds; and to vacate the same.

9. To plant or direct and regulate the planting of ornamental shade trees in streets, avenues, sidewalks, parks and public grounds.

10. To regulate the use of streets, alleys, avenues, sidewalks, crosswalks, parks and public grounds.

11. To prevent and remove obstructions and encroachments upon the same.

12. To provide for the lighting, sprinkling and cleansing of the same.

13. To regulate the opening and use thereof for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains.

14. To construct and maintain waterworks, gas works, electric light works, telephone lines, street railways, or bath houses, or to authorize the construction and maintenance of the same by others, or to purchase or lease any or all of said works from any person or corporation.

15. To construct or authorize the construction of waterworks without their limits; and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works; and over all reservoirs, streams, canals, ditches, pipes, and drains used in, and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for ten miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

16. To divide the city into districts for the purpose of local taxation, or to create districts for that purpose, as occasion may require.

17. To control the water and water courses leading to the city, and to regulate and control the water courses and mill privileges within the city; *provided*, that the control shall not be exercised to the injury of any rights already acquired by actual owners.

18. To construct, purchase, or lease, and maintain canals, ditches and reservoirs; and to purchase or lease springs, streams, or sources of water supply for the purpose of providing water for irrigation, domestic or other purposes; and if necessary to secure said sources of water supply, to purchase or lease the land from which said water has been appropriated or applied.

19. To contract with and authorize any person, company, or association to construct gas works, electric, or other lighting works in said city, and give such persons, company, or association the privilege of furnishing light for the public buildings, streets, sidewalks and alleys of said city, for any length of time not exceeding three years.

20. To provide for the lighting of streets, laying down of gas pipes, and erection of lamp posts; to regulate the sale and use of

gas, natural gas, and electric or other lights, and electric power, the charge therefor, and the rent of meters within the city, and to regulate the inspection thereof; to prohibit or regulate the erection of telegraph, telephone, or electric wire poles, in the public grounds, streets, or alleys, and the placing of wires thereon; and to require the removal from the public grounds, streets, or alleys, of any or all such poles, and the placing underground of any or all telegraph, telephone or electric wires.

21. To fix the rate to be paid for the use of water furnished by the city, or by any person or corporation.

22. To regulate the use of sidewalks and all structures thereunder or thereover, and to require the owner or occupant of any property to keep the sidewalks in front of or along the same free from snow and all other obstructions.

23. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury or obstruction to, any street, avenue, alley, park or public ground.

24. To provide for and regulate crosswalks, curbs and gutters.

25. To regulate or prevent the use of streets, sidewalks, public buildings, and grounds, for signs, sign posts, awnings, telegraph or telephone poles, horse troughs, or racks, or for posting hand bills or advertisements.

26. To regulate or prohibit the exhibition, distribution, or carrying of placards or hand bills in the streets, public grounds or upon the sidewalks.

27. To regulate or prevent the flying of flags, banners, or signs across the streets or from houses.

28. To regulate or prohibit traffic and sales upon the streets, sidewalks, and public places.

29. To regulate the speed of horses and other animals, bicycles, and other vehicles, and cars and locomotives within the limits of the corporation; and to prevent horse racing, immoderate driving or riding in the streets.

30. To regulate the numbering of houses and lots.

31. To name streets, avenues, and other public places, and to change the names thereof.

32. To permit, regulate, or prohibit the locating, constructing, or laying the tracks of any railroad or tramway in any street, alley, or public place; and to grant franchises to railroad companies, and to union railroad depot companies, to lay, maintain, and operate in any street, or part or parts of streets, of said cities, or other public places therein, railroad tracks, and union railroad depot connecting and terminal tracks; but such permission shall not be for a longer time than one hundred years.

33. To provide for or change the location, grade, or crossing of any railroad; and to declare a nuisance and to take up and remove, or to cause to be taken up and removed, the tracks of any

street railway company which shall have been laid upon the streets or highways of the city and which such railway company has failed to operate with cars for public use for a period of nine months after the laying thereof.

34. To require railroad companies to fence their respective railroads or any portion of the same and to construct cattle guards, crossings of streets and public roads, and keep the same in repair within the limits of the corporation.

35. To require railroad companies to keep flagmen at railroad crossings of streets or otherwise to provide protection against injury to persons or property; to compel such companies to raise or lower their railroad tracks to conform to any grade which at any time may be established by such city, so that such tracks may be crossed at any place on any street, alley, or highway; to compel railroad companies to make and keep open, and to keep in repair, ditches, drains, sewers, and culverts along and under their railroad tracks, so that the natural or artificial drainage of adjacent property shall not be impeded.

36. To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof.

37. To construct and keep in repair culverts, drains, sewers, catch basins, manholes, and cesspools, and to regulate the construction and use thereof.

38. To license, tax, regulate hawking, peddling, pawnbrokerage, employment agencies, the keeping of ordinaries, theatrical, and other exhibitions, shows and amusements, and the business conducted by ticket scalpers, distilleries, breweries, money changers, brokers, keepers of public scales, runners for stages, cars, public houses or other persons or things, and to revoke such license at pleasure; to license, tax and regulate banks, bath houses, livery stables, skating rinks, smelters, crushers, express companies, restaurants, hotels, taverns, theaters, opera houses, music halls, boarding houses, eating houses, chop houses, lodging houses, laundries, barber shops, second hand or junk stores, and to forbid the owners or persons in charge of said stores from purchasing or receiving any article whatever from minors without the written consent of their guardians or parents; to license, tax, and regulate the business conducted by hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, watermen, and all others pursuing like occupations and to prescribe their compensation; to license, tax, and regulate the business conducted by merchants, retailers, shop and storekeepers, butchers, druggists, photographers, assayers, confectioners, and fruit peddlers.

39. To license, tax, regulate, and suppress billiard, bagatelle, pigeon hole, or any other tables or implements kept or used for a similar purpose; also pin alleys or tables, or ball alleys.

40. To suppress and prohibit the keeping of bawdy and other disorderly houses, houses of ill-fame or assignation, or houses kept by, maintained for, or resorted to or used by one or more females for lewdness or prostitution within the limits of the city, and within



three miles of the outer boundaries thereof, and to prohibit the resorting thereto for any of the purposes aforesaid; and also to suppress and prohibit gambling and gambling houses, lotteries, and all fraudulent devices and practices, and all kinds of gaming, playing at dice, cards, or other games of chance, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures, or illustrations.

41. To license and regulate or prohibit the manufacturing, selling, giving away, or disposition in any manner, of any intoxicating, malt, vinous, mixed, or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license; and said license shall be subject to the same restrictions as required by the general laws of the state, and said council shall require of all persons applying for a license hereunder a bond in good and sufficient security and with like conditions as required by the general laws of the state in this regard; *provided*, that no other or further permit or license shall be required by the county in which said city is situated to enable such person or persons so licensed to sell or deal therein within the limits of the corporation.

42. To punish and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, insane or idiotic person, habitual drunkard, or person intoxicated; and also to punish the keeping or maintaining, or becoming an inmate of, or visiting, or in any way contributing to the support of, any place, house, or room where opium is smoked, or where persons assemble for the purpose of smoking opium or inhaling the fumes of opium, or where opium is sold for such purpose.

43. To establish markets and market houses, and provide for the regulation and use thereof.

44. To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same.

45. To provide for and regulate the inspection of meats, fruits, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and all other provisions.

46. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

47. To provide for the inspection and sealing of weights and measures.

48. To enforce the keeping of proper weights and measures by vendors.

49. To regulate the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, sewers, gutters and plumbing.

50. To prevent intoxication, fighting, gambling, quarreling, dog fights, cock fights, and all disorderly conduct, and to provide against and prevent the offenses of assault and battery and petit

larceny; to restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the city; to regulate or prevent the discharge of firearms, rockets, powder fireworks, or any other dangerous or combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of public buildings.

51. To regulate and prohibit the carrying of concealed weapons.

52. To arrest, fine, or set to work on the streets or elsewhere all vagrants, mendicants, and persons found in said city without visible means of support or some legitimate business.

53. To provide for the punishment of persons disturbing the peace and good order of the city or any lawful assembly, by clamor or noise, or by intoxication, fighting, or using obscene or profane language, or otherwise violating the public peace by indecent or disorderly conduct, or by lewd or lascivious behavior.

54. To provide for the punishment of tramps, common street beggars, common prostitutes, habitual disturbers of the peace, pick-pockets, gamblers, thieves, or persons who practice any game, trick, or device with intent to swindle.

55. To define the fire limits, and prescribe limits within which no building shall be constructed, except of brick, stone, or other incombustible material, without permission, and to cause the destruction, or removal of any building constructed or repaired in violation of any ordinance; and to cause all buildings and enclosures which may be in a dangerous state to be put in a safe condition or removed.

56. To prescribe the manner of constructing stone, brick and other buildings, and the construction of fire escapes; and to cause all buildings used for public purposes to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire, to prevent the overcrowding thereof and to regulate the placing and use of seats, chairs, benches, scenery, curtains, blinds, screens, or other appliances therein.

57. To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, heaters, ovens, furnaces, boilers, and apparatus used in and about buildings and manufactories, and cause the same to be removed or placed in a safe condition.

58. To regulate and prevent the carrying on of manufacturing likely to cause fires; and to prevent the deposit of ashes in unsafe places.

59. Except as otherwise provided by law, to provide for the organization and support of a fire department; to procure fire engines, hooks, ladders, buckets, and other apparatus; and to organize fire engine and hook and ladder companies, and to prescribe rules, duties, and government therein, with such penalty as the council may deem proper, and to make all necessary appropriation therefor; and to establish regulations for the prevention and extinguishment of fires.

60. To regulate or prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, nitroglycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops, and other places, and the building of bonfires.

61. To provide for the inspection and to regulate the use of steam boilers; to provide for the examination, regulation and licensing of stationary engineers and others having charge or control of stationary engines, boilers, or steam generating apparatus, or elevators within the corporate limits of the city.

62. To establish, erect and maintain the city jails, houses of correction, and work houses for the confinement of persons convicted of violating any city ordinance, and to make rules and regulations for the government of the same, and to appoint necessary jailors and keepers; and to use the county jail for the confinement or punishment of offenders subject to such conditions as are imposed by law and with the consent of the board of county commissioners.

63. To prohibit cruelty to animals.

64. To declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

65. To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and enforce the same within the corporate limits, and within twelve miles thereof. To create a board of health and prescribe the powers and duties of the same.

66. To purchase, hold and pay for lands within or without the corporate limits for the burial of the dead and all necessary ground for hospitals, and to have and exercise police jurisdiction over the same, and over any cemetery used by the inhabitants of said city; and to survey, plat, map, fence, ornament and otherwise improve all public burial and cemetery grounds; and to convey cemetery lots owned by said city and pass rules and ordinances for the protection and governing of said grounds.

67. To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for default therein.

68. To regulate or prohibit the running at large within the limits of the city horses, mules, asses, cattle, swine, sheep, goats, geese, and all kinds of poultry; to establish a pound and appoint a poundkeeper, and prescribe his duties, and to distrain and impound animals running at large, and to provide for the sale of the same in the same manner as provided by the laws of the state for sale of estrays and trespassing animals. The proceeds arising from the sale of such animals, after the payment of all costs, shall go to the city treasurer to be disposed of according to law.

69. To license, tax, regulate or prohibit the keeping of dogs,

and authorize the destruction of the same when at large contrary to ordinance.

70. To direct the location and regulate the management and construction of packing houses, tanneries, canneries, renderies, bone factories, slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, and blacksmith shops in and within one mile of the limits of the corporation.

71. To prohibit any offensive or unwholesome business or establishment in and within one mile of the limits of the corporation; to compel the owner of any pig sty, privy, barn, corral, sewer, or other unwholesome or nauseous houses or place, to cleanse, abate or remove the same, and to regulate the location thereof.

72. To provide for taking the census; but no census shall be taken oftener than once in five years, except as provided in chapter one of this title.

73. To provide for the construction and care of all public buildings necessary for the use of the city.

74. To prevent or regulate the rolling of hoops, playing of ball, flying of kites, riding of bicycles or tricycles, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on sidewalks, or to frighten teams or horses.

75. To regulate or prohibit the keeping of any lumber yard, and the placing or piling or selling of any lumber, timber, wood, or other combustible material within the fire limits of the city.

76. To purchase, construct, lease, rent, manage, and maintain any system or part of any system of water works, hydrants, and supplies of water, telegraphic fire signals, or fire apparatus, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or constructed.

77. To establish, maintain, and regulate free public libraries and reading rooms as provided by law, and to perpetuate such free libraries and reading rooms as may have been heretofore established in said cities.

78. To regulate or prohibit all public demonstrations and processions which interfere with public traffic.

79. To provide for the burial of the indigent dead, and to pay the expenses thereof.

80. To authorize the taking and to provide for the safe keeping and education, for such periods of time as may be expedient, of all children who are destitute of proper parental care.

81. To regulate the inspection of malt, vinous, and spirituous liquors.

82. To provide by ordinance for the annual levy and collection of a street tax to be assessed upon the property, real and personal, of the city, which tax if levied and collected, shall be in lieu of the tax provided for in subdivision three of section two hundred and fifty-three. Said tax shall not in any one year exceed one-half of

one per cent, and shall be expended for the opening, widening, grading, and improving of the streets, sidewalks, avenues, and alleys of the city.

83. To prevent the ringing of bells, blowing of horns and bugles, crying of goods by auctioneers and others, and the making of other noises, for the purpose of business, amusement, or otherwise, and to prevent all performances and devices tending to the collection of persons on the streets or sidewalks of the city.

84. To compel persons to fasten animals attached to vehicles standing or remaining in the streets.

85. To require all municipal officers and agents elected or appointed to give bond and security for the faithful performance of their duties, and to require from every officer of the city at any time a report in detail of all the transactions in his office, or any matters connected therewith.

86. To create any office that may be deemed necessary for the good government of the city; to regulate and prescribe the powers, duties and compensation of all officers of the city, except as otherwise provided by law.

87. To raise revenues by levying and collecting a license fee or tax on any private corporation or business within the limits of the city, and regulate the same by ordinance. All such license fees and taxes shall be uniform in respect to the class upon which they are imposed.

88. To pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this title, and such as shall seem necessary and proper to provide for the safety, and preserve the health, and promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the city and the inhabitants thereof, and for the protection of property therein; and to enforce obedience to such ordinances with such fines or penalties as the city council may deem proper; *provided*, that the punishment of any offense shall be by fine in any sum less than three hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Approved this 23rd day of March, 1901.

---

## CHAPTER 125.

*Repealed '03 - 106*

### STATE ENGINEER: WATER DISTRICTS.

AN ACT defining the duties of the State Engineer; providing for the creation of water districts and for the appointment of a water commissioner for each district; providing for the proper measurement and division of water; providing for the reclamation of stored water; and repealing chapter 8, title 63, Revised Statutes of Utah, 1898.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. State Engineer. Appointment. Qualifications. Shall have supervision of waters of state. There shall be a State Engineer, who shall be appointed by the Governor of the state and be con-

firmed by the senate. He shall hold his office for the term of four years, or until his successor shall have been appointed and shall have qualified. He shall have general supervision of the waters of the state and of the officers connected with its distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

**Sec. 2. Salary.** The State Engineer shall receive a salary of two thousand dollars per annum, payable in quarterly installments, by the State Treasurer, upon warrants drawn by the State Auditor.

**Sec. 3. Office at state capital.** The state engineer shall keep his office at the state capital.

**Sec. 4. Oath and bond.** Before entering upon the duties of his office, he shall take and subscribe an oath before some officer authorized by the laws of the state to administer oaths, to faithfully perform the duties of his office. He shall file with the Secretary of Statesaid oath, and his official bond, in the penal sum of five thousand dollars, with not less than two sureties, to be approved by the state board of examiners, and conditioned for the faithful discharge of the duties of his office, and for delivery to his successors, or other officer appointed by the Governor to receive the same, all moneys, books and other property belonging to the state, then in his hands or under his control, or with which he may be legally chargeable as such officer.

**Sec. 5. Duties.** The state engineer shall make, or cause to be made, measurements and calculations of the discharge of streams, from which water shall be taken for beneficial purposes, commencing such work upon those streams which are most used for irrigation or other beneficial purposes. He shall collect facts, and make surveys to determine the suitable location for constructing works for utilizing the water of the state, and to ascertain the location of the lands best suited for irrigation. He shall examine reservoir sites, and shall, in his reports, embody all the facts ascertained by such surveys and examinations, including, wherever practicable, estimates of the costs of proposed irrigation works, and of the improvement of reservoir sites. He shall become conversant with the waterways of the state, and the needs of the state as to irrigation matters, and in his reports to the Governor he shall make such suggestions as to the amendment of existing laws or the enactment of new laws, as his information and experience shall suggest. He shall keep in his office full and proper records of his work, observations and calculations, all of which shall be the property of the state.

**Sec. 6. Assistants.** The State Engineer shall have the power to employ assistants at a total expense not to exceed one thousand dollars per annum. Such assistants shall be paid in quarterly installments out of any money appropriated for that purpose, on certificates of the state engineer, showing the amount of such employment and the compensation therefor. On the presentation of such certificates to the State Auditor, he shall issue warrants on the State Treasurer for the amount thereof.

**Sec. 7. Traveling expenses.** When the state engineer, or any assistant, is called away from the office on official business, he shall be entitled to his actual traveling expenses, which shall be paid out of any money appropriated for that purpose, on the certificate of said state engineer. Such certificates shall be presented to the State Auditor, who shall thereupon draw upon the State Treasurer for the amount thereof.

**Sec. 8. Reports.** The State Engineer shall prepare and render to the Governor, biennially, and oftener if required, full and true reports of his work, touching all matters and duties devolving upon him by virtue of his office, which report shall be delivered to the Governor on or before the 31st day of December of the year preceding the regular session of the Legislature.

**Sec. 9. Measurements of streams.** In making measurements of any stream it shall be the duty of the State Engineer, or some qualified assistant, to proceed at a time specified, of which due notice shall be given to the parties interested, to make an examination of said stream, and the works diverting water therefrom; said examination to include measurements of the discharge of said stream, and of the carrying capacity of the various ditches and canals diverting water therefrom; an examination of the irrigated lands, and an approximate measurement of the lands irrigated, or susceptible of irrigation, from the various ditches and canals, which said observation and measurements shall be reduced to writing, and made a matter of record in his office. It shall be the duty of the State Engineer to make, or cause to be made, a map or plat, on a scale of not less than one inch to the mile, showing with substantial accuracy, the course of said stream, the location of each ditch or canal diverting water therefrom, and the legal subdivisions of land which have been irrigated, or which are susceptible of irrigation from the ditches and canals already constructed, and he shall file a certified copy of said map with the county recorder of the county in which said stream is situated.

**Sec. 10. Fees.** The State Engineer shall receive the following fees: For examining and approving plans and specifications for any dam, ten dollars; and if necessary to inspect the site where the dam is to be built, an additional charge of ten dollars per day and expenses shall be made.

**Sec. 11. Fees to be paid into state treasury.** All moneys received by the State Engineer in accordance with section 10 of this act, shall be paid by him into the state treasury on the first Monday of January, April, July and October, respectively.

**Sec. 12. Cubic foot per second legal standard.** A cubic foot of water per second of time, which shall be known as a second-foot, shall be the legal standard for the measurement of water in this state, both for the purpose of determining the flow of water in natural streams, and for the purpose of distributing water therefrom.

**Sec. 13. Water districts to be created.** The board of county commissioners of each county of the state shall by ordinance create one or more water districts in their respective counties, em-

bracing all the water thereof in such a manner as to secure the best protection to the claimants for water, and the most economical supervision on the part of the state.

**Sec. 14. Water commissioners to be appointed.** For each water district created under the provisions of this act, there shall be appointed one water commissioner, who shall be a resident of the county in which he is to serve and who shall be appointed by the board of county commissioners. Each water commissioner shall hold his office for two years (unless removed for cause), and until his successor is appointed and has qualified.

**Sec. 15. Water commissioner's duties.** It shall be the duty of the water commissioner of each district to measure, at least once a week, all the water diverted from any public stream during the time water is being diverted for irrigation purposes, and he shall keep an accurate record of each such measurement. He shall furnish copies of the records of all such measurements monthly, and not later than the 10th of each month, to the State Engineer and to the county recorder of the county where such measurements are made, for record in their respective offices, *provided* that no charge shall be made for such recording. Such measurements may be omitted when, in the judgment of the board of county commissioners, they are not necessary.

**Sec. 16. State Engineer to give instructions.** The State Engineer shall give instructions to all water commissioners as to the manner in which the measurements of water shall be made.

**Sec. 17. Water commissioners to report to State Engineer.** All water commissioners shall make reports to the State Engineer as often as may be deemed necessary by said engineer. Said reports shall contain such information as the State Engineer may require.

**Sec. 18. Duty of water commissioners.** It shall be the duty of each water commissioner to divide the water in the natural stream or streams in his districts among the several ditches taking water therefrom, according to the prior rights of each, respectively, in whole or in part, and to shut and to fasten, or cause to be shut and fastened, the headgates of ditches heading in any of the natural streams of the districts, when, in times of scarcity of water, it is necessary so to do by reason of priority of the rights of others taking water from the same stream, or its tributaries. Every person who shall wilfully open, close, change or interfere with any headgate or water box without authority, shall be deemed guilty of a misdemeanor. The water commissioners or their assistants, within their districts, shall have the power to arrest any person or persons offending and turn them over to the sheriff or constable of the proper county, and upon delivering any such person so arrested, it shall be the duty of the water commissioner making such arrest to immediately, in writing and upon oath, make complaint before the proper justice of the peace against the person so arrested.

**Sec. 19. Id.** Said water commissioners shall divide, regulate and control the use of the water of all streams within their respec-



tive districts in such manner, as near as may be, as will prevent unnecessary waste of water; and, to that end, such commissioners shall shut and fasten the headgates of all ditches, so that no more water will flow into said ditches than is actually required and used for the purposes for which it was appropriated. Any person who may be injured by the action of any water commissioner, or by his failure to act pursuant to this section, may resort to any court of competent jurisdiction for any relief to which he may be entitled.

**Sec. 20. Water commissioners' compensation.** Water commissioners herein provided for shall each be entitled to pay at the rate of three dollars per day for each day he shall be actually employed in the discharge of the duties of his office, to be paid by the county in which the work is performed. Each water commissioner shall keep a just and true account of the time spent by him in the discharge of the duties of his office, and the time spent by him in the performance of his duties in each county respectively, into which his water district may extend, and he shall present a true copy thereof, verified by his oath, to the board of county commissioners of the county in which the work may have been done. The said board of county commissioners shall, upon approval thereof by the state engineer, allow the same.

**Sec. 21. Assistants. Compensation.** Said water commissioner shall have power, in case of emergency, to employ suitable assistants to aid him in the discharge of his duties. Such assistants shall take the same oaths as the water commissioner, and shall obey his instructions, and each shall be entitled to \$2.00 per day for every day he is employed, not to exceed forty days in one year, to be paid upon certificates of the state engineer, in the same manner as provided for the payment of the water commissioner.

**Sec. 22. Period of services of commissioners.** The water commissioner of any district shall not begin his work as provided in Sec. 19 until he has been called upon by two or more owners or managers of ditches, or persons controlling ditches in his district, by application in writing, stating that there is a necessity for the use of water; and shall not continue performing services after the necessity therefor shall cease.

**Sec. 23. Appropriator of water to maintain headgate and flume.** The appropriator of any of the public waters of the state shall maintain, to the satisfaction of the water commissioner, a substantial headgate at the point where the water is diverted, which shall be of such construction that it can be locked, and kept closed by the water commissioner; and such appropriator shall construct and maintain, when required by the water commissioner, a flume or measuring device, as near the head of such ditch as is practicable, for the purpose of assisting the water commissioner in determining the amount of water that may be diverted into said ditch from the stream. If any owner or appropriator of public water should neglect or refuse to put in such headgate, or measuring device after thirty days' notice to do so by the water commissioner, the said water commissioner may notify the county commissioners of the county where such head-

gate, flume or measuring device should be situated, and it shall be the duty of said county commissioners, when so notified by said water commissioner, to put in such headgate, flume or measuring device at the expense of the county where the expense is incurred, and present a bill of cost to the owners of the ditch. If such owner or owners shall refuse or neglect, for three days after the presentation of such bill of costs, to pay the same, the said costs shall be made a charge upon the said ditch and shall be collected as delinquent taxes, and be subject to the same conditions and penalties as other delinquent taxes.

Sec. 24. Plans for any dam over ten feet high must be submitted to state engineer. State engineer to inspect certain dams. Duplicate plans and specifications for any dam across the channel of a running stream, above ten feet in height, or of any other dam intended to retain water, above ten feet in height, shall be submitted to the state engineer for his approval, and it shall be unlawful to construct such dam until the said plans and specifications have been approved. The state engineer shall have authority to examine and inspect, during construction, any dam authorized under the provisions of this section, or any ditch, canal, or other works carrying over fifty (50) cubic feet of water per second of time, and at the time of such inspection he may order the parties constructing such dam or other works to make any addition or alteration which he considers necessary for the security of the work, or the safety of the persons residing on or owning land in the vicinity of such works. Should any person or persons residing on or owning land in the neighborhood of any irrigation works after completion, or in course of construction, apply to the state engineer in writing desiring an inspection of such works, the state engineer may order an inspection thereof. Before doing so, he may require the applicant for such inspection to make a deposit of a sum of money sufficient to pay the expenses of an inspection, and in case the application appears to him not to have been justified he may cause the whole, or part, of such expense to be paid out of such deposit. In case the application appears to the state engineer to have been justified he may require the company to pay the whole, or any part, of the expense of the inspection, and the same may be collected in the same manner as is provided for the collection of the expenses of constructing headgates and measuring flumes.

Sec. 25. Repeal. Chapter 8, title 63, Revised Statutes of Utah, 1898, is hereby repealed.

Approved this 25th day of March, 1901.

## CHAPTER 126.

## COLLECTION OF TAXES FROM CAR COMPANIES.

AN ACT amending sections 2605, 2562, 2610 and 2620 of the Revised Statutes of Utah 1898, as amended by chapter 68 of the Laws of Utah, 1899, in relation to collection of taxes from car companies.

*Be it enacted by the Legislature of the State of Utah:.*

SECTION 1. That sections 2605, 2562, 2610 and 2620 of the Revised Statutes of Utah, 1898, be and the same are hereby amended to read as follows:

2562. **Apportionment among cities, towns, etc.** On the second Monday in August the board of county commissioners of each county must take and cause to be entered in the proper record an order stating and declaring the property assessed by the state board of equalization apportioned to such county; and the said board of county commissioners, acting as a board of equalization for said county, shall in like manner apportion the assessed valuation of all the property and franchises of railroads, car, street railway, depot, telegraph, and telephone companies, so apportioned to said county by the state board of equalization, to the several city, town, school, road, or other lesser taxing districts in the county through or into which said property extends; and the county auditor must transmit to the city or town council, or the trustees or other legislative body of incorporated cities, or towns, the trustees of each school district and the legal authorities of other taxing districts in which said property is situated, a copy of the order of the county board of equalization making the said apportionment. All such property is taxable upon said assessment at the same rate, by the same officers, and for the same purposes as the property of individuals within such city, town, school, road or other taxing districts, respectively, and such taxes except the taxes on car companies must be collected in the same manner and by the same officers as other taxes are collected. The county board of equalization after making apportionment of the property assessed by the state board of equalization to the several city, town, school, road or other lesser taxing districts, shall transmit a copy of such apportionment relating to car companies to the secretary of the state board of equalization, in which shall be set forth the apportioned valuation of each car company and the rate of tax levy for all purposes in each taxing district.

2605. **To charge treasurer with taxes levied. Exception.** On delivering the assessment book to the county treasurer, the county auditor must charge the treasurer with the full amount of taxes levied, except the municipal taxes of cities of the third class and of towns, and the taxes of car companies.

2610. **Index of names. Notice to taxpayers. Collection of taxes from car companies.** On receipt of the assessment book, the

county treasurer shall index in one or more indexes (if more than one, the alphabet shall be so divided that no name shall appear in more than one place in such indexes unless for lack of space transferred to some other place to be referred to), the name of all property owners shown by the assessment book; and shall, opposite each name in index refer by number of assessment book (if there be more than one), and by page and line, to all pieces of property standing upon the assessment book in such names. He shall proceed to collect the taxes and shall furnish to each taxpayer, except car companies, by mail, postage prepaid, or leave at his residence or usual place of business if known, a notice of the amount of tax assessed against him upon all property, when and where payable, and that such tax is delinquent on the 15th day of November next thereafter. The secretary of the state board of equalization is hereby made the collector of taxes due from car companies. He shall upon receipt of the apportionment of the property of car companies from the county board of equalization compute the taxes due from each company, and proceed to collect the taxes from said car companies, and shall furnish each company by mail, postage prepaid, a notice of the amount of tax assessed against it, when and where payable, and that such tax is delinquent on the 15th day of November next thereafter. On the first day of December in each year the collector of taxes from car companies shall remit to the State Treasurer the taxes collected from car companies due the state, and to each county, city, town, school or other taxing district the taxes collected from the car companies and due to said taxing district.

**2620. Publication delinquent list. Contents. Notice of sale. Taxes from car companies.** On or before the first Monday of December of each year, the county treasurer must, under the direction of the county commissioners, publish the delinquent list, which must contain the names of the owners when known and a description of the property delinquent or subject to a lien of taxes, classified in towns and cities by addition, subdivision, plat, block and lot, and other lands by range, township and section, or legal subdivision thereof, with the amount of taxes due, exclusive of costs. The county treasurer must publish with such a list a notice that unless the delinquent taxes, together with the costs of publication are paid before the third Monday of December, the real property upon which such taxes are a lien will be sold for taxes and costs, beginning on said date, at the front door of the county court house. Publication must be commenced on or before the first Monday in December, and shall be made for a period of ten days thereafter, in a newspaper having a general circulation in the county. On or before the first Monday in December in each year the collector of taxes from car companies shall publish in a newspaper having a general circulation in the state in the three largest cities in the state, selected by the county commissioners of the counties in which said cities are located for the publication of the county delinquent list, the list of the car companies delinquent for taxes, which must contain the names of the owners, when known, and a description of the property delinquent or subject to a lien of taxes. The collector of taxes from car

companies shall publish with such list a notice that unless the delinquent taxes together with the costs of publication, are paid before the third Monday of December next thereafter, the property upon which such taxes are a lien will be attached and sold for taxes and costs, such sale to be made at the discretion of the collector of taxes from car companies. It is hereby made the duty of all railroads and railways doing business in the state to furnish the collector of taxes from car companies with any information he may desire, and within the knowledge of said railroad or railway companies, that will aid the said collector in the performance of his duties. The laws set forth in chapter 7 of title 67, of the Revised Statutes of Utah, 1898, for the sale, redemption, etc., of property delinquent for taxes, are hereby made to apply to the sale of property of car companies delinquent for taxes. After all sales are made the collector of taxes from car companies must without delay pay to the state treasurer and remit to other taxing districts the amount of taxes due the state and such taxing districts from such sales.

**Sec. 2. Salary of collector of taxes from car companies.** The annual salary of the collector of taxes due from car companies is hereby fixed at three hundred dollars.

**Sec. 3.** This act shall take effect upon approval.

Approved this 25th day of March, 1901.

---

## CHAPTER 127.

### CITY SCHOOL TAX.

AN ACT to amend section 1936, Revised Statutes of Utah, 1898, providing for the tax, estimate, levy, rate, collection and limit of school taxes, and making special provisions for a levy of a school tax.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** That section 1936, Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

**1936. Tax, estimate, levy, rate and collection.** The board of education shall, on or before the first day of May of each year, prepare a statement and estimate of the amount necessary for the support and maintenance of the schools under its charge for the school year commencing on the first day of July next thereafter, also the amount necessary to pay the interest accruing during such year, and not included in any prior estimate, on bonds issued by said board, also the amount of sinking fund necessary to be collected during such year for the payment and redemption of said bonds; and shall forthwith cause the same to be certified by the president and clerk of said board to the officers charged with the assessment and collection of taxes for general county purposes in the county in which

the city is situated, and such officers, after having extended the valuation of property on the assessment rolls, shall levy such per cent as shall, as nearly as may be, raise the amount required by the board, which levy shall be uniform on all property within the said city as returned on the assessment roll, and the said county officers are hereby authorized and required to place the same on the tax roll. Said taxes shall be collected by the county treasurer as other taxes are collected, but without additional compensation for assessing and collecting, and he shall pay to the treasurer of said board, promptly as collected, who shall hold the same subject to the order of the board of education; *provided*, that the tax for the support and maintenance of such schools shall not exceed in any one year five and one-half mills on the dollar upon all taxable property of said city, and shall not exceed one and one-half mills additional on the dollar in one year, to be used exclusively for the purchase of school sites and erection of school buildings; *provided further*, that boards of education in cities of the first class may certify and levy a tax for the fiscal year, 1901, at any rate, not exceeding seven mills on the dollar, upon all taxable property of said cities; but thereafter the rate shall not exceed five and one-half mills on the dollar as hereinbefore provided.

Approved this 25th day of March, 1901.

---

## CHAPTER 128.

### FIRE PROTECTION IN MINES.

AN ACT to provide for fire protection in all of the mines of the state of Utah, and defining the same.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Certain mines to have fire protection.** That all mines having but one exit, and the same is covered with the building containing the mechanical plant, furnace room, or blacksmith shop, shall have fire protection. Where steam is used, hose of sufficient length to reach the farthest point of the plant shall be attached to feed pump or injector, and the same kept ready for immediate use. In mines where water is not available, chemical fire extinguishers or hand grenades shall be kept in convenient places for immediate use, and it shall be the duty of any owner or operator of a mine in the state of Utah, to provide fire protection as mentioned in this section, by July 1st, 1901.

**Sec. 2. Penalty.** Any person or corporation who shall refuse or neglect to comply with the provisions of this act, shall be guilty of a misdemeanor.

Approved this 25th day of March, 1901.

## CHAPTER 129.

## SAFETY APPARATUS IN MINES.

AN ACT providing for safety apparatus to be used in all mines with the vertical shaft.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Certain shafts to be provided with safety cages. It is unlawful for any person or corporation to sink any vertical shaft, where mining cages are used, to a greater depth than two hundred feet, unless the shaft is provided with an iron bonneted safety cage to be used in lowering and hoisting employees, or any other person. The safety apparatus, whether consisting of eccentrics, springs or other device, must be securely fastened to the cage and of sufficient strength to hold the cage loaded at any depth, to which the shaft may be sunk. The iron bonnet must be made of boiler sheet iron of good quality, at least three-sixteenths of an inch in thickness and must cover the top of the cage in such manner as to afford the greatest protection to life and limb from any debris or anything falling down the shaft.

Sec. 2. Penalty. Any violation of this act is punishable by a fine of not less than two hundred or more than five hundred dollars, the same to be paid into the county treasury of the county in which the case is tried.

Sec. 3. This act shall take effect upon approval.

Approved this 25th day of March, 1901.

CHAPTER 130. *Repealed 68-05*

SERICULTURE.

AN ACT to amend sections 2043, 2044 and 2049, of the Revised Statutes of Utah, 1898, relating to sericulture.

*Be it enacted by the Legislature of the State of Utah:*

That sections 2043, 2044 and 2049 of the Revised Statutes of Utah, 1898, be and the same are hereby amended to read as follows:

2043. Utah silk commission. Appointment. Term. Bond. Secretary to be executive officer. Compensation. County silk commissioners. The Utah silk commission shall consist of five members, to be appointed by the Governor, not more than three of whom shall be of the same political party. The members thereof hereafter

appointed shall serve without compensation, and shall hold office for five years from the dates of their respective appointments and until their successors are duly appointed and qualified. Each member of said commission shall give a bond, running to the state, with sureties to be approved by the Secretary of State, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of the office. The secretary of said commission shall be the executive officer of the commission, and shall superintend the work of the different county silk commissions in the state and receive as compensation the sum of nine hundred dollars per year, and actual and necessary traveling expenses when outside of the county of residence on official business. The salary and other expenses shall be paid as provided by law in case of other state officers. Upon petition of fifty resident freeholders within any county in the state for the appointment of a county silk commissioner, the board of county commissioners of any county may appoint a suitable person, resident of such county, who shall be under the supervision of the state silk commission and shall perform the duties of said office under the direction of the state silk commission. And every county silk commissioner shall report to the secretary of the state silk commission, at such times as the state silk commission may require, in regard to all matters pertaining to silk culture in their respective counties. The term of such officer shall be for two years, unless sooner removed by the board of county commissioners for incompetency or dereliction of duty, on complaint of the state silk commission. The county silk commissioner shall be selected with reference to fitness and knowledge of, and practical experience in sericulture and the industries connected therewith. The compensation of each county silk commissioner shall be fixed by the board of county commissioners. All compensation of county silk commissioners shall be paid by the several counties in which such officers act; any vacancy shall be filled by the board of county commissioners.

2044. **Duty of commission.** It shall be the duty of said commission to examine, personally or by duly appointed representatives, all cocoons for which a bounty is claimed, and after such examination to render to the Secretary of State a statement under oath setting forth the quantity, grade and quality of the cocoons upon which a bounty shall be claimed, with the name of the person entitled thereto; to cause to be published in book or pamphlet form, for free distribution to the people of the state, explicit instructions in all practical branches of sericulture; to provide instruction in reeling in each county wherein one hundred pounds of cocoons shall have been raised; to provide reliable eggs; to provide the best possible market for cocoons and reeled silk until such time as these products shall be consumed by manufacturers in this state; and in every way to encourage those engaged in this industry. It shall also be the duty of this commission to compile and preserve a reliable record of the progress of silk culture in this state; and to make an annual report to the Secretary of State. The said commission is authorized to use such



part of the appropriation provided for in this chapter, not to exceed the sum of one thousand five hundred dollars in any one year for the purposes mentioned in this section.

2049. **Appropriation.** The sum of three thousand five hundred dollars per year, out of any money now in, or which may hereafter come into the state treasury, not otherwise appropriated, or so much thereof as may be necessary to carry out the provisions of this chapter, is hereby appropriated for the purposes thereof. Upon receipt of the said verified statement of the commission approved by the Secretary of State it shall be the duty of the Auditor to draw his warrant upon the Treasurer in favor of the person entitled to a bounty under the provisions of this chapter for the amount approved by said Secretary.

Approved this 25th day of March, 1901.

---

## CHAPTER 131.

### LOCAL ASSESSMENTS IN CITIES.

AN ACT to amend section 273 of the Revised Statutes of Utah, 1898, concerning notice of intention to levy local assessments in cities.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 273 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

273. **Notice of intention to tax.** In all cases before the levy of any taxes for improvements provided for in this chapter, the city council shall give notice of intention to levy said taxes, naming the purposes for which the taxes are to be levied, which notice shall be published at least twenty days in a newspaper published within such city. Such notice shall describe the improvements so proposed, the boundaries of the district to be effected or benefited by such improvements, the estimated cost of such improvements, and designate a time when the council will consider the proposed levy. If at or before the time so fixed, written objections to such improvements signed by the owners of two-thirds of the front feet abutting upon that portion of the street, lane, avenue or alley to be so improved, be not filed with the recorder, the council shall be deemed to have acquired jurisdiction to order the making of such improvements.

Sec. 2. This act shall take effect upon approval.

Approved this 25th day of March, 1901.

## CHAPTER 132.

## SPECIAL VENIRE.

AN ACT amending section 1312 of the Revised Statutes of Utah, 1898, providing for special venire.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 1312 of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

1312. **Additional drawing. Open venire.** If during any term of the district court, any additional grand or petit jurors shall be necessary, the same shall be drawn from the said box by the sheriff or his deputy in open court; but if in the judgment of the court the attendance of those drawn cannot be obtained within a reasonable time, they may be laid aside and other names may be drawn in their place and in the same manner. If on payment of thirty dollars any person having a case to be tried shall, in open court on the day next preceding the trial demand a new list of jurors, the judge shall order a drawing for such number of jurors as he may deem necessary to try such case, in the same manner, but such jurors so drawn shall not be used on the regular panel. If all names become exhausted at any term, the judge may order an open venire for such number of jurors as he may deem necessary, who shall be summoned to serve.

Sec. 2. **Not taxed as costs.** In no case shall the money so paid be taxed as costs.

Sec. 3. This act shall take effect upon approval.

Approved this 25th day of March, 1901.

## CHAPTER 133.

## FISH AND GAME.

AN ACT to amend sections 2, 3, 6, 10, 12, 14, 19, 23 and 24 of the Laws of Utah, 1899, of an act entitled, "An act for the protection of fish, game and birds; for appointment of state and county wardens and prescribing their duties; to provide penalties for the violation of this act and to repeal title 21 of the Revised Statutes of Utah, 1898, and all acts and parts of acts inconsistent therewith, approved March 9th, 1899."

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That sections 2, 3, 6, 10, 12, 14, 19, 23, and 24 of chapter 26, of the Laws of Utah, 1899, be and the same are hereby amended to read as follows:

Sec. 2. **Commissioner's salary. Must qualify.** The state commissioner shall receive an annual salary of one thousand dollars.

repealed  
1899-05

together with his reasonable and necessary traveling and contingent expenses not exceeding two hundred dollars per annum. He shall, before entering upon the duties of his office, take and subscribe to an oath of office and give a bond in the penal sum of five thousand dollars for the faithful performance of his duty. Such bond shall be approved by the state board of examiners and filed with the Secretary of State.

**Sec. 3. Control of waters. Distribution of fish. Deputies.** The state commissioner shall have control and supervision of the waters of the state, for the collection, propagation, culture, and distribution of fish in the state and shall receive and distribute all game, fish, fish fry and spawn coming into his hands fairly and equitably among the several counties. He shall have full control of all the property of the state obtained or held for the purposes contemplated by this act, and he shall have power to appoint special deputies and assist in enforcing the provisions of this act; *provided*, that the sum of two thousand [dollars] may be expended annually for the payment of said deputies.

**Sec. 6. Duties of commissioner and county wardens.** It shall be the duty of the state commissioner and also the duty of the county fish and game wardens to see that all laws of the state for the protection of fish and game are faithfully enforced in the several counties, and for this purpose they respectively are severally hereby given the same powers and authority granted by the laws of the state to and exercised by sheriffs and constables. The state commissioner and every warden throughout the state, and every sheriff and constable in his respective county, is authorized and required to enforce this act and seize any game or fish taken or held in violation of this act, and he shall have full power and authority, and it shall be the duty of every such officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof; and if, without a warrant, to hold him until a warrant can be procured, to open, enter and examine all cars, stages, packs, warehouses, stores, outhouses, boxes, barrels and packages where he has reason to believe any game or fish taken or held in the violation of this act, is to be found, and to seize the same; *and provided*, that if such search or seizure be made without a warrant, the officer making the same must procure a warrant therefor as soon as possible during or after the search or seizure, *and provided*, further, that a dwelling house actually occupied can be entered for examination only in pursuance of a warrant. It shall be the duty of the county fish and game wardens to report their official acts in detail to the state commissioner annually during and not later than the first week in December, and often-er if so required by the state commissioner.

**Sec. 10. Taking fish. How and when lawful.** It shall be unlawful for any person to fish for or take any trout, bass or mountain her-ring from any waters of this state, by any means or device whatever, except by means of hook and line, commonly known as angling, and angling is more fully defined as fishing or angling with a fishing rod or fishing pole held in the hand or hands, having a single line at-

*amended.*

tached, with one baited fish hook or with one baited fish hook with one gang of not more than three hooks, or with one trolling spoon, with one gang of not more than three hooks, or with not more than two artificial flies, and that only between the 14th day of June of each year, and the fifteenth day of December following; *provided*, that fish may be taken from the waters of Fish lake between June 14th and December 14th with hand; *and provided further*, that it shall be unlawful to take or have in possession any trout, bass or mountain herring, less than seven inches long, at any time.

**Sec. 12. Other fish.** It shall be unlawful for any person to sell or offer or expose for sale at any time any eastern brook trout, rainbow trout, grayling trout, native black spotted or mountain trout or any other species of trout or landlocked salmon taken from any of the streams or waters of this state. It shall be a misdemeanor for any person to take, catch or have in possession more than twenty pounds of any of said varieties or species of fish in any one day for domestic use or any other purpose; *provided*, that it shall be lawful to take with hook and line, commonly known as angling, any number of pounds per day in weight of eastern lake trout, native lake trout and black bass from Utah, Bear, Sevier, Panguitch and Fish lakes, and these fish may be taken and sold for commercial purposes between the 14th day of June and the 15th day of December of each year.

**Sec. 14. Use of seines, traps, etc.** It shall be unlawful for any person to take any fish from the waters of this state by the erection of any weir, dam, fence, wheel, basket, trap, net, seine, setline, sieve, spear, gun or grabbling hooks, or any other device whatsoever which can be used for the unlawful catching of fish; *provided*, that for the purpose of catching carp, chubs, mullets, bullhead, catfish or suckers, and these fish only, seines not more than two hundred yards long and twelve feet wide, with meshes not less than one and one-half inches square for fifty yards in the center, and meshes not less than two inches square in the wings thereof, may be used in the following named waters only: Utah, Bear and Sevier lakes; the Colorado, Green, Grand and San Juan rivers; in the Weber river below its junction with the Ogden river; in the Bear river below the bridge at Bear River city, from September 1st to March 31st following, both days inclusive, and in Bear lake only between the 15th day of May and the 15th day of July following; *provided*, that suckers may be taken by grabbling hooks in Provo river, Spanish Fork river, and that only between the Oregon Short Line railway crossing and Utah lake and in Weber river in Morgan and Weber counties, *and provided further*, that before any person shall use seines in the waters above mentioned, such person shall secure the presence of either the county warden or his deputy, who shall be paid not to exceed two dollars per day by the party drawing the seine.

**Sec. 19. Hunting deer, antelope, etc., when lawful.** It shall be unlawful at any time to shoot at or in any manner kill any elk, deer, antelope, mountain sheep, buffalo or bison, otter or beaver, or any game animals or birds that may be brought or introduced into

this state by the fish and game department or by private individuals for the purpose of stocking the state with said animals or birds; *provided*, that deer may be lawfully killed in the state from the 15th day of October to the 15th day of November of each year; *and provided, further*, that not more than two deer may be lawfully killed by any one person in one open season.

Sec. 23. **Goose, duck, etc.** It shall be unlawful for any person to take, kill, wound or shoot at, or have in his possession any wild goose, duck, snipe, brant or swan, between the 15th day of January and the 1st day of October following; to rob or destroy nests, eggs, or the young of any of said birds mentioned in this section; or to take, kill, wound or shoot at any of the birds mentioned in this section, between one hour after sunset and one hour before sunrise; and it shall be unlawful to use any sneak boats or sink boxes, or other device answering the same purpose, while in pursuit of any of the birds mentioned in this section; *provided*, that not more than forty of any or all of the birds mentioned in this section shall be killed by any one person in any one day.

Sec. 24. **Insectivorous or song birds. Sparrows.** It shall be unlawful for any person to kill, take, shoot at, ensnare, net or entrap or have in his possession in any year any gull, owl, lark, whippoorwill, thrush, swallow, snowbird, robins, kohl meisen or other insectivorous or song birds, except the English sparrow, or to rob or destroy the nests, eggs or young of said protected birds mentioned in this section.

Approved this 25th day of March, 1901.

---

## CHAPTER 134.

### STATE TAX LEVY.

AN ACT to provide revenue for the support of the government of the state, and of the several counties of the state, and district and county schools, for the fiscal years nineteen hundred and one and nineteen hundred and two.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Five mills levied for general state purposes.** There is hereby directed to be raised for general state puposes for each of the fiscal years of nineteen hundred and one and nineteen hundred and two upon all of the taxable property in this state, the sum of five hundred and fifty thousand dollars and for the purpose of raising the same there is hereby levied for each of the years nineteen hundred and one and nineteen hundred and two, an ad valorem tax of five mills on each dollar in value of the taxable property in the state, or such portion of said tax as the state board of equalization may

find is necessary to raise the sum above set forth in each of said years.

**Sec. 2. District school tax.** For the purpose of raising sums for the support of district schools for each of the fiscal years nineteen hundred one and nineteen hundred two an ad valorem tax of three mills on each dollar in value of all the taxable property in the state is hereby levied for each of the years nineteen hundred one and nineteen hundred two.

**Sec. 3. County tax.** The board of county commissioners of the several counties of the state are hereby authorized to levy on all of the taxable property in their respective counties for each of the fiscal years nineteen hundred one and nineteen hundred two an ad valorem tax of not to exceed five mills on the dollar of valuation for general county purposes, and not to exceed four mills on the dollar of valuation for county school purposes.

**Sec. 4.** This act shall take effect upon approval.

Approved this 25th day of March, 1901.

## CHAPTER 135.

### GENERAL APPROPRIATIONS.

#### AN ACT making appropriations for general purposes.

*Be it enacted by the Legislature of the State of Utah:*

*amended 03*  
*p. 8*  
**SECTION 1.** That the following sums of money are hereby appropriated out of the state treasury, not otherwise appropriated, for the purpose hereinafter expressed:

#### STATE OFFICERS.

To the Governor—

For salary for the years 1901 and 1902 ..... \$ 7,250.06

To the Governor's private secretary—

For salary for the years 1901 and 1902 ..... 3,000.00

To the Governor's office—

For contingent expenses for the years 1901 and 1902,  
or much thereof as may be necessary ..... 2,000.00

To the Governor's office—

For the capture or extermination of outlaws in Utah  
for the years 1901 and 1902, or so much thereof as may  
be necessary ..... 5,000.00

To the Secretary of State—

For salary for the years 1901 and 1902 ..... 5,625.06

To the office of the Secretary of State— For clerical assistance for the years 1901 and 1902, or so much thereof as may be necessary.....	\$ 6,600.00
To the office of Secretary of State— For contingent expenses for the years 1901 and 1902, or so much thereof as may be necessary.....	3,000.00
To the State Auditor— For salary for the years 1901 and 1902 . . . . .	3,812.50
To the office of the State Auditor— For salary of bookkeepers who shall also act as deputy, for the years 1901 and 1902.....	2,400.00
To the office of State Auditor— For salary of clerk for recording marks and brands, for the years 1901 and 1902.....	1,560.00
To the office of State Auditor— For extra assistance for proof-reading copies of re- recorded marks and brands . . . . .	150.00
To the office of State Auditor— For contingent expenses for the years 1901 and 1902, or so much thereof as may be necessary.....	1,000.00
To the State Treasurer— For salary for the years 1901 and 1902.....	2,812.50
To the office of State Treasurer— For clerical assistance for the years 1901 and 1902, or so much thereof as may be necessary.....	1,200.00
To the office of State Treasurer— For contingent expenses for the years 1901 and 1902, or so much thereof as may be necessary.....	500.00
To the Attorney General— For salary for the years 1901 and 1902.....	3,812.50
To the office of Attorney General— For assistance to the Attorney General for the years 1901 and 1902, or so much thereof as may be necessary	3,000.00
To the office of Attorney General— For stenographer, who shall also be clerk of the board of pardons, for the years 1901 and 1902, or so much thereof as may be necessary.....	2,000.00
To the office of Attorney General— For contingent expenses for the years 1901 and 1902, or so much thereof as may be necessary.....	1,500.00
To the state fish and game commissioner— For salary for the years 1901 and 1902.....	1,925.00
To the office of state fish and game commissioner— For traveling and contingent expenses for the years 1901 and 1902, or so much thereof as may be necessary	600.00
To the office of state fish and game commissioner— For salary of special deputy fish and game wardens, for the years 1901 and 1902, or so much thereof as may be necessary.....	4,000.00

To the office of state fish and game commissioner— For salary of superintendent of fish hatchery for the years 1901 and 1902. ....	\$ 1,200.00
To the office of state fish and game commissioner— For the salary of one assistant to the superintendent of fish hatchery for the years 1901 and 1902.....	960.00
To the office of state fish and game commissioner— For construction of ponds and improvements of grounds for the years 1901 and 1902, or so much thereof as may be necessary.....	500.00
To the office of state fish and game commissioner— For the purchase of fish eggs and distribution thereof for the years 1901 and 1902, or so much thereof as may be necessary. ....	1,000.00
To the office of state fish and game commissioner— For construction of sub-stations at Fish lake, Sevier county, and Panguitch lake, Garfield county, for the years 1901 and 1902, or so much thereof as may be necessary.....	500.00
To the office of state fish and game commissioner— For the construction of dams at Mona, Juab county, for the propagation and culture of fish, for the years 1901 and 1902, or so much thereof as may be neces- sary .....	500.00
To the state coal mine inspector— For salary for the years 1901 and 1902. ....	3,791.70
To the office of state coal mine inspector— For traveling and contingent expenses for the years 1901 and 1902, or so much thereof as may be necessary	1,350.00
To the office of state coal mine inspector— For necessary expenses connected with mine foremen for the years 1901 and 1902, or so much thereof as may be necessary. ....	500.00
To the state engineer— For salary for the years 1901 and 1902.....	3,625.00
To the office of state engineer— For traveling and contingent expenses of the state engineer for the years 1901 and 1902, or so much thereof as may be necessary.....	1,000.00
To the state bank examiner— For salary for the years 1901-1902.....	2,400.00
To the office of state bank examiner— For traveling and contingent expenses of the state bank examiner for the years 1901 and 1902, or so much thereof as may be necessary.....	400.00
To the state dairy and food commissioner— For salary for the years 1901 and 1902.....	1,200.00
To the office of state dairy and food commissioner— For traveling and contingent expenses of the state dairy and food commissioner for the years 1901 and 1902, or so much thereof as may be necessary.....	400.00



## To the several counties of the state—

For one-half the salaries of certain county officers  
for the years 1901 and 1902, or so much thereof as may  
be necessary ..... \$50,000.00

## JUDICIAL DEPARTMENT.

## To the Judges of the Supreme Court—

For salary of three Judges for the years 1901 and 1902 18,000.00

## To the Supreme Court—

For contingent expenses for the years 1901 and 1902,  
or so much thereof as may be necessary..... 1,000.00

## To the Supreme Court—

For salary of stenographer to the Supreme Court for  
the years 1901 and 1902..... 1,800.00

## To the clerk of the Supreme Court—

For salary as clerk of the Supreme Court and ex-of-  
ficio law librarian, and including compensation of all  
necessary assistance for the years 1901 and 1902.... 4,200.00

## To the reporter of decisions of the supreme court—

For salary for the years 1901 and 1902..... 1,600.00

## To the reporter of decisions of the supreme court—

For contingent expenses for the years 1901 and 1902,  
or so much thereof as may be necessary..... 700.00

## To the state library—

For the purchase of books and general maintenance  
for the years 1901 and 1902, to be expended under the  
direction of the board of control of the state library,  
or so much thereof as may be necessary ..... 4,000.00

## To the judges of the district courts—

For salary of nine judges for the years 1901 and 1902 54,000.00

## To the judges of the district courts—

For mileage of nine judges for the years 1901 and  
1902, or so much thereof as may be necessary..... 3,500.00

## To the district court stenographers—

For mileage and per diem of stenographers for nine  
district courts, for the years 1901 and 1902, or so  
much thereof as may be necessary. .... 12,000.00

## To the several district attorneys—

For salary of nine district attorneys for the years 1901  
and 1902 ..... 25,000.00

## To the several district attorneys—

For actual and necessary traveling expenses for the  
years 1901 and 1902, or so much thereof as may be  
necessary..... 3,500.00

To the clerk of the district attorney in judicial districts  
having a population of 75,000, or more inhabitants—

For salary for services performed in the third judicial  
district for the years 1901 and 1902..... 1,800.00

To the several counties of the state—	
For the payment of juror and witness certificates issued by district courts in criminal cases, for the years 1901 and 1902, or so much thereof as may be necessary .....	\$45,000.00
To S. A. King—	
For mileage as district attorney from May 16th, 1899, to January 7th, 1901 .....	320.64
To Thomas Marioneaux—	
For mileage as district attorney from June 6th, 1899, to November 8th, 1900.....	626.16
To John F. Chidester—	
For mileage as district attorney from May 19th, 1899, to December 31st, 1900 .....	462.08
To F. E. Wood—	
For mileage as district attorney from June 19th, 1899, to Jan. 4th, 1901 .....	342.52

## STATE INSTITUTIONS.

To the University of Utah—	
For general maintenance for the two academic years ending June 30, 1903, including the state school of mines, and the state normal school; also all the interest on the permanent land fund of the university, mining school and the state normal school that shall not have been expended by July 1st, 1901, and all the interest on the same funds which will accrue up to July 1st, 1903, or so much thereof as may be necessary....	75,000.00
For a museum or school of mines building and heating, plumbing and furnishings, for the years 1901 and 1902, or so much thereof as may be necessary .....	57,000.00
For machine shops and machinery for the years 1901 and 1902, or so much thereof as may be necessary....	10,675.00
For apparatus, books and other supplies for the years 1901 and 1902, or so much thereof as may be necessary .....	8,000.00
For kindergarten general maintenance and supplies for the years 1901 and 1902, or so much thereof as may be necessary.....	5,000.00
For apparatus and instruction in domestic science for the years 1901 and 1902, or so much thereof as may be necessary.....	4,000.00
For branch normal school at Cedar City, general maintenance and supplies for the years 1901 and 1902, or so much thereof as may be necessary.....	20,000.00
To the Agricultural College of Utah—	
For general maintenance for the two academic years ending June 30th, 1903, and all the interest on the land fund of the said college that shall not be expended by	

July 1, 1901, and all the interest on the said fund which will accrue up to July 1, 1903, or so much thereof as may be necessary.....	\$42,000.00
To complete and furnish the front part of the main building, or so much thereof as may be necessary ...	45,000.00
For construction and maintenance of farm buildings for the years 1901 and 1902, or so much thereof as may be necessary ..	11,200.00
For constructing cement floor in dairy rooms, or so much thereof as may be necessary.....	250.00
For construction, equipment and maintenance of vegetation house for the years 1901 and 1902, or so much thereof as may be necessary ..	1,500.00
For the purchase of additional land and water rights, or so much thereof as may be necessary..	1,250.00
For the purchase of pure bred stock, or so much thereof as may be necessary.....	3,800.00
For additional equipment of agricultural laboratory, museum and class rooms for the years 1901 and 1902, or so much thereof as may be necessary.....	1,000.00
For insurance on buildings and contents for the years 1901 and 1902, or so much thereof as may be necessary ..	2,100.00
To the state school for the deaf and dumb and the blind—	
For general maintenance for the years 1901 and 1902, and interest on the land fund not expended by July 1, 1901, and that shall accrue by July 1, 1903, or much thereof as may be necessary ..	47,000.00
For repairs and improvements for the years 1901 and 1902, or so much thereof as may be necessary ..	1,000.00
For books and apparatus for the years 1901 and 1902, or so much thereof as may be necessary.....	500.00
For maintenance of greenhouse for the years 1901 and 1902, or so much thereof as may be necessary.....	500.00
To the state industrial school—	
For general maintenance for the years 1901 and 1902, and interest remaining and accruing up to July 1, 1903, or so much thereof as may be necessary.....	22,600.00
For manual training department, for the years 1901 and 1902, or so much thereof as may be necessary.....	4,500.00
For completion of cottage for girls, or so much thereof as may be necessary.....	2,700.00
For the purchase of plat of land in front of school, or so much thereof as may be necessary.....	2,200.00
To the state insane asylum—	
For care and treatment of patients for the years 1901 and 1902, or so much thereof as may be necessary...	96,360.00
For necessary improvements and repairs for the years 1901 and 1902, or so much thereof as may be necessary ..	5000.00
For iron steps at each end of building, or so much thereof as may be necessary.....	1,200.00

For the erection of two cottages, or so much thereof as may be necessary.....	\$18,000.00
To the state board of corrections—	
For general maintenance of the state prison for the years 1901 and 1902, or so much thereof as may be necessary.....	58,000.00
For new buildings, improvements machinery repairs and insurance, or so much thereof as may be necessary	17,165.00
Gratuities to discharged convicts for the years 1901 and 1902, or so much thereof as may be necessary, ...	2,500.00
To the Utah art institute—	
For general maintenance and awards for the years 1901 and 1902, or so much thereof as may be necessary,	2,000.00
To the national guard of Utah—	
For general maintenance, compensations, contingent and all other expenses for the years 1901 and 1902, or so much thereof as may be necessary, .....	20,000.00
For the salary of the adjutant-general, N. G. U. for the years 1901 and 1902, .....	1,000.00
To the commissioner of the bureau of statistics—	
For salary for the years 1901 and 1902.....	3,000.00
To the office of the commissioner of the bureau of statistics—	
For clerical, traveling and contingent expenses for the years 1901 and 1902, or so much thereof as may be necessary.....	3,000.00

## STATE BOARDS.

To state board of land commissioners—	
For salary of four members of said board, including the salary of the secretary, for the years 1901 and 1902 .....	13,137.50
For clerical assistance, stationery, printing, appraising and selecting state lands for the years 1901 and 1902, or so much thereof as may be necessary, .....	29,000.00
For experiments in sinking artesian wells in the state of Utah or so much thereof as may be necessary to be spent under the direction of the state board of land commissioners according to their discretion.....	10,000.00
To the state board of equalization—	
For salary of four members, for the years 1901 and 1902 .....	6,066.76
For traveling and contingent expenses, clerical assistance and all other necessary expenses of said board for the years 1901 and 1902, or so much thereof as may be necessary.....	3,600.00
For secretary of board of equalization for collector of tax for car companies for the years 1901 and 1902, ....	600.00
To the state board of pardons—	
For contingent expenses of said board for the years 1901 and 1902, or so much thereof as may be necessary	250.00

To the state board of loan commissioners—	
For contingent expenses of said board for the years 1901 and 1902, or so much thereof as may be necessary	\$100.00
To the state board of health—	
For salary of secretary for the years 1901 and 1902..	2,000.00
For salary of stenographer for the years 1901 and 1902	1,200.00
For office rent and janitor service for the years 1901 and 1902, or so much thereof as may be necessary....	400.00
For contingent expenses of the secretary of said board for the years 1901 and 1902, or so much thereof as may be necessary... ..	1,500.00
To the state board of horticulture—	
For salary of three members of said board for the years 1901 and 1902.....	1,200.00
For salary of secretary of said board for the years 1901 and 1902.....	800.00
For the actual traveling and contingent expenses of said board for the years 1901 and 1902, or so much thereof as may be necessary....	1,500.00
For the maintenance of the experiment farm in southern Utah, as provided by law, for the years 1901 and 1902, or so much thereof as may be necessary.....	8,000.00
For the purchase and introduction of the bird known as the kohl meisen, as provided by law, or so much thereof as may be necessary,....	500.00
To the Deseret Agricultural and Manufacturing Society—	
For operating expenses, awards and premiums for presentation at state fairs to be held in the years 1901 and 1902.....	15,000.00
For new building on condition that Salt Lake City shall purchase the interest of the society in block 25, plat B for not less than \$20,000.00.....	10,000.00
To state board of education—	
For printing circulars and diplomas, for compensation of assistant examiners and clerks, and for traveling expenses of the said board for the years 1901 and 1902, or so much thereof as may be necessary..	1,800.00
To the state board of examiners—	
For rent of state offices for the years 1901 and 1902..	8,000.00
For contingent expenses of said board for the years 1901 and 1902, or so much thereof as may be necessary .....	600.00
For maintenance and care of capitol grounds for the years 1901 and 1902, or so much thereof as may be necessary .....	1,600.00
For printing and binding the laws of the fourth regular session of the Legislature, or so much thereof as may be necessary .....	1,200.00
For furnishing assessment rolls and taxpayer's statements for the several counties of the state, for the	

years 1901 and 1902, or so much thereof as may be necessary .....	\$1,500.00
To the Utah silk commission—	
For maintenance for the years 1901 and 1902, under the provisions of chapter 2, title 59, Revised Statutes of Utah, 1898, or so much thereof as may be necessary, .....	6,000.00
For salary of secretary of the Utah silk commission for the years 1901 and 1902 .....	1,800.00

## INTEREST ON STATE BONDS.

To the state board of loan commissioners—	
For interest on state bonds, \$150,000 at 3½ per cent interest per annum .....	10,500.00
For interest on state bonds, \$300,000 at 3½ per cent interest per annum .....	19,500.00
For interest on state bonds, \$250,000 at 5 per cent interest per annum .....	25,000.00
For interest on state bonds, \$200,000 at 4 per cent interest per annum .....	16,000.00
For interest on loans from the university loan fund for 1901 and 1902 .....	9,375.00
For payment of two notes of \$12,500 each on loan on university land fund due January 1st, 1902, and January 1st, 1903 .....	25,000.00

## REFUND OF MONEY PAID BY EARLY SETTLERS ON SCHOOL LANDS.

To the following named persons—	
For the return of money paid for school lands settled upon prior to March 1st, 1869, under the provisions of chapter 88, Laws of Utah, 1899, to be paid out of the same fund into which the said money was paid; viz., the state school fund:	
Alonzo G. Barber. ....	154.44
James Mack .....	110.34
Gustave Larson .....	54.54
Thomas Smith .....	60.78
David Weeks .....	336.49
Thomas L. Craghead .....	73.27
A. E. Cranney .....	120.47
Robert P. Gibson .....	143.55
Joseph Forrester .....	97.87
Joseph Smith .....	50.77
Lorenzo Toolson .....	111.37
John P. Toolson .....	120.15
Ole Hansen .....	108.00
Edwin R. Miles, Jr., .....	218.92
Jesse T. Moses .....	36.97

Benjamin Hymas.....	\$ 27.96
William Barrett .....	187.78
William George .....	22.50
James Hancock .....	34.40
Joseph Hancock.....	36.25
Mendon Eccl. Assn. ....	74.95
Robert Forster.....	133.92
Alex. H. Richards. ....	13.46
Fred Larsen .....	112.50
Henry Ames .....	10.02
John S. Stratham.....	7.65
John S. Stratham.....	6.83
Alma Fyers.....	11.46
C. W. Spence.....	4.50
Traugott Stumpf.....	30.00
Robert W. Shipley.....	20.25
John W. Richman.....	25.89
Maria O. Tams .....	22.05
Ruth McBride .....	343.25
Richard Brenchly. ....	17.94
George L. Farrell.....	300.00
Mormon Bird .....	112.11
Robert Reeder .....	167.03
Ralph H. Smith.....	196.03
O. W. Rose.....	27.50
Marget C. Thoresen.....	22.50
Amelia Monson.....	27.50
Mary E. Shelton. ....	45.79
Thomas Muir, Jr.....	28.86
Elizabeth Christensen....	3.27
Joseph Waite.....	28.79
Stephen Thurston....	61.84
Simpson B. Thurston.. .	30.24
William Balls.....	70.35
William Balls .....	41.37
Joseph T. Wood.....	142.18
James H. Hill.. ..	24.25
Jacob F. Sorenson.....	234.65
Bendt Nielsen .....	44.96
Peter Larson.....	19.00
John Morse, by widow .....	4.28
Christian Sorensen, by wife.....	7.69
Christian Sorensen, by wife.....	445.83
John Lallis, by widow.....	14.30
Ole Sonne, by widow.....	54.43
James L. Jensen, by wife.....	66.95
Maggie Hadfield.....	212.56
Niels O. Gyllenskog.....	86.10
John T. Hinds .....	701.71
John A. Kelsey.....	111.37
Mary Swenson.....	213.30

Lewis J. Plowman .....	\$ 150.00
Henry Bair, Jr. ....	457.00
Erik P. Erickson .....	138.89
John T. Thain .....	380.00
George G. Merrill .....	91.27
Ole Olsen, Jr. ....	109.12
Soren P. Sorensen .....	56.59
James J. Meikle .....	126.40
H. N. Standish .....	523.14
Jonathan Holland .....	451.12
Thomas Hinds .....	439.96
Paul Hanson .....	82.68
Heber Balls .....	18.36
R. H. Daines ...	16.50
Hiram J. Dewitt .....	276.73
Edwin Westover .....	111.80
Isaac Sorensen .....	97.89
Philip Sorensen .....	109.37
George Howell .....	213.70
Bendt Nielsen .....	96.00
Carl J. Classon .....	28.84
William Scrowther .....	110.36
James Meikle .....	88.00
William Andrew .....	51.03
John J. Ormond .....	22.81
Lars Peterson .....	65.00
Lars Peterson .....	48.15
A. B. Wilson .....	100.00
Wells McBride .....	27.50
John U. Haderlie .....	108.02
George W. Marler .....	161.46
H. J. Matthews .....	147.39
Mary E. Edwards .....	150.00
J. R. Walker estate .....	17.14
J. H. Hardman .....	48.67
Julia E. Smith .....	13.42
Sylvester Low, Jr. ....	141.52
Seymour B. Young .....	426.48

## LEGISLATIVE EXPENSES 1901.

## State board of examiners—

Rent of 4th Legislative Assembly for 1901 .....	1,000.00
To the Utah Lithographing Company, for changing names on letter heads for Legislature of 1899 .....	5.00
For lithographing letter heads .....	107.00

## To Co-op Furniture Co.—

Carpeting legislative hall .....	184.70
----------------------------------	--------

## To Margetts Bros.—

For legislative stationery .....	274.01
----------------------------------	--------



To A. R. Derge & Co.—	
For typewriter ribbons.....	\$ 4.50
To the Keystone File Co.—	
For journal and bill binders.....	342.00
To the Skelton Publishing Co.—	
For manuscript covers.....	6.35
To Pembroke Stationery Co.—	
For stationery.....	137.48
To the Deseret News—	
For embossing files and printing letter heads.....	20.30
To L. C. Johnson as clerk to fourth Legislature, extra services .....	100.00
To The Deseret News—	
For printing the reports of the various state officers and state boards for the years 1899 and 1900, binding such reports, as well as legislative journals, or so much thereof as may be necessary; <i>provided</i> , that all bills for such work must first be examined and approved by the state board of examiners before being paid.....	11,700.00
To the Tribune Job Printing Company—	
For printing the senate and house bills of the fourth regular session and printing indexes to senate journal of 1899, or so much thereof as may be necessary; <i>provided</i> , that all bills for such work must first be examined and approved by the state board of examiners before being paid....	2,800.00
To the Star Printing Company—	
For printing the senate and house minutes and journals for the fourth regular session, or so much thereof as may be necessary; <i>provided</i> , that all bills for such work must first be examined and approved by the state board examiners before being paid.....	4,000.00
To the Breeden Office Supply Company—	
For the rental of two Remington typewriters for two months for the fourth regular session of the Legislature.....	20.00
To the Remington Typewriter Company—	
For rental of three typewriters for the fourth regular session of the Legislature.....	21.00
To the following persons—	
For repairing furniture, incidentals, etc.:	
P. W. Madsen.....	4.75
F. Auerbach & Bro.....	1.88
Cunnington Co.....	.85
Jake Heusser.....	3.25
B. Shurtliff.....	3.50
Sears Glass & Paint Co.....	5.10
C. G. Johnson.....	25.10
Sanderson .....	31.50

## MISCELLANEOUS.

To the various counties of the state—	
For the payment of one-half the cost of making maps and plats for the various county assessors, as provided by law, for the years 1901 and 1902, or so much thereof as may be necessary .....	\$4,000.00
To Garfield county—	
For one-half the cost for making maps and plats for assessor's office for the years 1897 and 1898.....	209.11
To Samuel Holmes—	
For making and erecting a smokestack at the University buildings in September, 1897.....	197.00
To W. W. Browning & Co.—	
For printing furnished the fourth district court in May, 1883 .....	7.50
To the Deseret News—	
For reprinting 112 pages of the senate journal of 1899, as per senate concurrent resolution No. 1, March 9, 1899 .....	176.37
To Hooper building—	
For storage of weights and measures from Jany. 1st, 1896, to March 31, 1901.....	94.50
To Summit county—	
For the replacement of maps and plats destroyed by fire.....	600.00
To Springville city—	
For state and state school taxes unlawfully assessed and collected for the years 1896, 1897, and 1898,...	261.09
To Mary D. Trent—	
For refund of taxes paid on illegal and erroneous assessments in Salt Lake county in the years 1894 and 1895.....	30.56
To the Skelton Publishing Co.—	
For assessment rolls and taxpayer's statements for the year 1900, furnished to the state board of equalization .....	419.75
To Pettibone, Sawtell & Co.—	
For books and stationery furnished the clerk of the first district court in 1894.....	58.75
To the following named persons—	
Members of examining boards to examine persons applying to become a mining boss, for the years 1899-1900:	
H. G. Williams .....	45.00
J. A. Harrison .....	45.00
Mark Hopkins .....	10.00
William Ellingford .....	5.00
William O'Neil.....	35.00
William O'Neil.....	80.55
R. M. Pope .....	35.00
R. M. Pope ..	80.55

William Ellingford.....	\$	37.80
J. R. Robinson.....		10.00
To the Utah Lithographing Co.— For certain stationery furnished the third Legislature of Utah .....		31.50
To C. E. Abbott— For the amount overpaid by him as county treasurer of Juab county, upon the taxes of 1899.....		172.26
To Morgan Richards, Jr. (ex-State Auditor)— For express charges, stamps and wrapping paper for use of the State Auditor, for the years 1899-1900....		13.15
To Wayne county— For money expended in the prosecution of criminal cases .....		357.80
To Davis county— For one-half the cost of revising assessor's plats for the years 1897 and 1898.....		61.00
To Salt Lake county— For one-half the cost of revising assessor's plats for the years 1897 and 1898.....		565.54
To Piute county— For money expended in the prosecution of criminal cases .....		745.20
To the following residents of Piute county— For the following services:		
John Lawrence, for guarding prisoners, .....		18.00
John Morrill, for boarding sick juror and bailiff.....		10.00
Edward Acton, for guarding prisoner.....		1.50
Stephen Mauser, for guarding prisoners.....		27.50
S. L. Acton, for guarding prisoners.....		4.50
C. H. Hales, for boarding jurors.....		128.75
To J. H. Leyson & Co.— For medals for Utah volunteers.....		184.00
To Ellen Jakeman— For refund of money paid by mistake as county treasur- er of Utah county, in excess of money collected from the sale of school lands .....		73.15
To Hiram J. DeWitt and William Barrett— For interest overpaid on certificates of sale of school land Nos. 664 and 829, on file in the office of Secretary of State.....		21.21
To Morgan Richards, Jr., ex-State Auditor— For services in preparing the biennial report of the State Auditor for the period ending December 31st, 1900 .....		333.00
To Charles E. Abbott— For refund of money paid by mistake as county treas- urer of Juab county, in excess of money received from sale of land.....		21.19

## To the following newspapers of the state—

For publishing proposed amendments to the constitution, to be voted for at the general election of 1900—

Emery County Progress.....	\$ 65.00
Advocate Publishing Co.....	65.00
Beaver County Blade.....	65.00
Box Elder News .....	30.00
Clear Lake Publishing Co.....	65.00
The Dixie Falcon.....	65.00
Davis County Clipper.....	60.00
Enquirer Company.....	109.60
Eureka Weekly Reporter.....	65.00
Grand Valley Times.....	57.75
Iron County Record.....	65.00
Manti Messenger .....	65.00
The Morgan Mirror .....	65.00
The Nation .....	65.00
The Park Record .....	65.00
Panguitch Progress.....	65.00
The Piute Pioneer .....	65.00
Rich County Times .....	65.00
Tooele Transcript.....	65.00
Tribune Publishing Co.....	160.54
Vernal Express .....	63.00
Kanab Clipper .....	65.00
Wasatch Wave.....	65.00
The Standard... ..	109.60
Salina Press.....	65.00

## To San Juan county—

For the payment of bonded indebtedness ..... 3,000.00

## DEFICITS.

## To the supreme court—

For deficit for the years 1899 and 1900, incurred for contingent expenses..... 140.12

## To the following persons—

For deficit of the supreme court for the years 1899 and 1900, incurred for contingent expenses:

Kelly & Co.....	22.50
Kelly & Co.....	10.55
Mountain Ice Co.....	4.50
Mountain Ice Co.....	6.00
L. P. Palmer .....	5.50

## To the Governor—

For deficit for the years 1899 and 1900, incurred in the capture of outlaws in Utah ..... 1,496.08

## To the office of the Attorney General—

For deficit for the years 1899 and 1900, incurred for actual and necessary expenses..... 400.00

## To the University of Utah—

For deficit for the years 1899 and 1900, incurred in re-modeling and constructing floors.....\$ 3,525.00

## To the state board of corrections—

For deficit for the years 1899 and 1900: for completion of the new boiler house and purchase of new boiler... 991.40

For general maintenance ..... 4,887.44

## To the office of state coal mine inspector—

For deficit for the years 1899-1900, incurred for traveling and other incidental expenses..... 671.05

## To the state board of land commissioners—

For deficit for the years 1899-1900, incurred for expenses in selecting and appraising state lands..... 5,000.00

For deficit for the years 1899-1900, incurred for clerical assistance, office supplies and contingent expenses... 500.00

## To the following named court stenographers—

For deficit for the years 1899-1900:

John S. Rollo..... 57.80

John S. Rollo..... 33.20

P. E. Keller ..... 56.80

J. R. Davis... 73.00

C. M. Dull..... 34.00

D. H. Roberts ..... 64.80

D. H. Roberts..... 94.40

Daniel Hamer ..... 527.91

## To the office of State Treasurer—

For deficit for the years 1899 and 1900, incurred for contingent expenses ..... 150.00

## To Wiliam T. Olmstead—

For deficit in state engineer's office for the years 1899 and 1900, incurred for contingent expenses..... 10.80

To R. C. Gemmell, for deficit in the state engineer's office, for the years 1899 and 1900 incurred for contingent expenses. .... 83.57

Sec. 2. The State Auditor is authorized and required to recover into the state treasury all unexpended balances or appropriations made by the third State Legislature for the years 1899 and 1900, after all legal claims chargeable to the several appropriations are fully discharged and satisfied, and to balance the several accounts on his books by charging the same and crediting the appropriation account.

Sec. 3. It shall be unlawful for any state officer or state board of any institution in the state to incur or contract for any indebtedness in excess of the appropriations herein provided, except by and with the consent of the state board of examiners, previous to incurring or contracting for any such indebtedness.

Sec. 4. It shall be unlawful for the State Auditor to audit or draw a state warrant in payment of any claim against the state, unless an appropriation has been previously made for such purposes, or unless authorized by law.

Sec. 5. All bills, vouchers, statements of claims or other evidences of indebtedness against the state, for any money appropriated herein, shall be filed with the State Auditor before the warrants are drawn for the payment thereof.

Sec. 6. All salaries of state officers or members of state boards shall be paid quarterly, and all other money herein appropriated shall be paid as provided by law.

Sec. 7. No money or other claim against the state, the payment of which is provided for in this act, shall be duplicated, if it shall appear that it is covered by appropriation heretofore made, or by special laws.

Sec. 8. This act shall take effect upon approval.

Approved this 26th day of March, 1901.

## CHAPTER 136.

### APPROPRIATIONS FOR HIGHWAYS AND BRIDGES.

#### AN ACT making appropriation for certain highways and bridges.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. The following amounts are hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose hereinafter provided.

For repairing roads from Kanosh to Goldmining district via. Three Creek, Millard county.....	\$ 400.00
For repairing bridge between Deseret and Oasis.....	800.00
For repairing road between Oak Creek and Deseret..	400.00
“ “ “ “ Fillmore and Clear Lake..	200.00
“ “ “ “ “ and Deseret.....	200.00
Box Elder county—	
For building bridge over Bear river at Corinne on Co. road .....	1,750.00
Repairing road between Brigham and Mantua.....	250.00
Cache county—	
Repairing road through Logan canyon between Cache and Rich .....	1,000.00
Repairing road between Cache and Box Elder Co., Wellsville canyon .....	500.00
Repairing road Blacksmith's Fork canyon between Cache and Rich.....	500.00
Emery county—	
Repairing bridge and road in Straight canyon.....	500.00
“ “ “ “ “ Huntington canyon. ..	500.00

For building bridge over Ferron creek .....	\$ 250.00
“ “ “ “ Muddy “ .....	250.00
For repairing road between county seat and Green river .....	500.00
<b>Garfield county—</b>	
Repairing road on Escalante mountain.....	150.00
“ “ from Escalante to foot of Escalante mountain .....	100.00
Repairing road from Henrieville to Tropic.....	100.00
“ “ on Tropic hill.....	250.00
“ “ “ Johns Valley hill.....	400.00
“ “ in Circleville canyon .....	300.00
“ “ from Panguitch south to where the road comes to the Garfield county-line.....	200.00
<b>Grand county—</b>	
For repairing roads from Moab to Thompson.....	1,250.00
“ “ “ “ Richardson to Basin city...	500.00
<b>Iron county—</b>	
For repairing road through Little Creek canyon from Paragoonah to Bear valley.....	350.00
For road over Fish Lake mountain between Parowan and Garfield county line .....	275.00
For road leading from Parowan on the Mammoth via Wilcox mill .....	200.00
For road leading from Kanarra to Kanarra mountain .	200.00
“ “ “ “ Cedar city to Kane Co. up Coal Creek canyon over the rim of the basin.....	475.00
<b>Kane county—</b>	
Repairing road below Three Lake canyon and above Kanab.....	350.00
Repairing road in Kanab canyon above Three Lake canyon .....	650.00
Repairing road in Long Valley canyon below McDonald's sawmill.....	300.00
Repairing road in Long Valley canyon above McDonald's sawmill.....	100.00
Building and repairing roads, in the Muddy and Hay canyons, .....	350.00
Building road over Hay and Rosey canyon ridge.....	250.00
<b>Juab county—</b>	
For repairing roads .....	1,000.00
<b>Morgan county—</b>	
Repairing road from Devil's Gate to Mountain Green .....	300.00
“ bridge and rip-rap work on Cottonwood creek.....	300.00
Repairing roads from Round valley to Lost creek....	300.00
“ bridge in narrows .....	500.00
“ road in narrows .....	100.00
<b>Piute county—</b>	
Constructing and repairing road between Kimberly and Marysvale via. Beaver creek.....	750.00

Constructing and repairing road between Koosharem and Junction.....	\$ 500.00
Constructing and repairing road between Circleville and Marysville.....	250.00
Rich county—	
Repairing roads between Randolph and Woodruff and the divide to connect with Weber county road en route to Ogden and Logan.....	500.00
For completing steel bridge across Bear river and building turnpike across the meadows, approaches to bridge, and bridge across the Beckwith canal .....	1,500.00
Beaver county—	
Bridge over Beaver river at Beaver city, .....	875.00
Repairing road between Frisco and Beaver, .....	225.00
Repairing road through the pass between Milford and Beaver, .....	400.00
San Juan county—	
Repairing road from Blue Hill to Hatch Wash, .....	400.00
Repairing road from Hatch Wash to Indian Creek, ...	200.00
Repairing road from Coyote Wash to La Sal, ...	100.00
Repairing road from Peter's Hill to Monticello, .....	200.00
Repairing road from Monticello to Bluff, . . . . .	500.00
Repairing road from Bluff to McElmo, .....	500.00
Repairing road from Holyoke to McElmo north, .....	100.00
Sevier county—	
Repairing roads in Salina canyon, ...	1,000.00
Repairing roads in Clear creek canyon, .....	500.00
Uintah and Wasatch counties—	
For constructing a bridge between Heber city and Morie's ranch, .....	400.00
For repairing road between Heber city and Strawberry valley, .....	400.00
For repairing road between Wasatch county and Uintah county, .....	3,100.00
Washington county—	
Repairing road between St. George and Rockville, ...	400.00
Repairing road between Leeds to top of Bellevue Blackridge, ...	300.00
Repairing road in Harmony canyon between Harmony and n. county line, .....	200.00
Repairing road between St. George and Holt's ranch, .....	700.00
“ “ “ Chadburn's ranch and Pine valley, .....	200.00
Carbon county—	
For repairing roads from Wellington to Sunnyside ...	1,500.00
Davis county—	
Repairing roads in Weber canyon, .....	400.00
“ “ on sand ridge, . . . . .	600.00
“ “ Bountiful to S. L. Co. line.....	500.00
“ “ between Weber county and Salt Lake county, .....	1,000.00



## Weber county—

Repairing roads on the South Fork Ogden canyon road and Beaver creek canyon road,.....	\$ 2,500.00
and a cut-off to connect the Rich county road,.....	2,500.00

## Wayne county—

Repairing roads between county line and Fremont & Loa,.....	250.00
Repairing road from Loa to Teasdale,....	250.00
“ “ “ Teasdale to Junction,.....	300.00
“ “ “ Junction to Hanksville,.....	900.00

## Summit county—

Repairing roads below Henefer,.....	100.00
“ “ in Silver creek canyon,.....	100.00
“ “ between Park city and Peoa,.....	125.00
towards constructing a bridge across Morehouse creek,	125.00
Repairing road between Kamas and Cuff's ranch,....	500.00
Repairing road between Rose hollow and Silver creek,	200.00
For bridge across Weber river at mouth of canyon Framer's ranch,.....	350.00

## Utah county—

Repairing road between Lehi, point of mountain,....	1,000.00
“ “ from sugar factory to Spanish Fork,..	400.00
“ “ in Spanish Fork canyon,.....	400.00
“ “ on Goshen bottoms,.....	500.00

## Tooele county—

Repairing road on the Ophir road,.....	500.00
“ “ from Mercur to Sunshine,..	200.00
“ “ Vernal to Sunshine,.....	200.00
“ “ Deep Creek to Stockton,.....	500.00

## Sanpete county—

To construct road between Sanpete county and Emery county,.....	1000.00
To repair roads between Sanpete and Utah county,..	250.00
Repairing roads between Fairview and Fort Green,..	250.00
“ “ “ “ “ Willow Creek,	500.00

## Salt Lake county—

For repairing road from Sandy to Alta, Little Cottonwood canyon,.....	1000.00
---	---------

Sec. 2. The moneys hereby appropriated shall be expended under the supervision of a person in each county, appointed by the Governor.

Sec. 3. The State Auditor shall draw his warrant upon the State Treasury in favor of the person or persons who have performed work upon the improvement or construction of such roads, and who holds certificates signed by the supervisor provided for in section 2, certifying that the work has been performed by such person or persons.

Approved this 26th day of March, 1901.

imprisonment in the county jail for not less than two months nor more than six months or by both such fine and imprisonment, together with all costs. One-half of such fine shall be paid to the informer and the other half into the treasury of the state of Utah.

Sec. 7. **Id.** Any person or persons making a false statement under oath as provided in this act, shall be liable to prosecution for perjury and suffer the penalties of the same as provided by the laws of this state. Any person or persons driving, baiting, enticing, bringing from outside the state or for breeding, rearing, or taking any of the animals mentioned in this act, for the purpose of procuring bounties thereon, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than fifty dollars, nor more than two hundred dollars, in the discretion of the court, for each and every offense so committed.

Sec. 8. **Clerk may administer oaths.** Any county clerk of the state of Utah shall be authorized to administer oaths for the purpose of this act.

*revised p. 45, 03*  
Sec. 9. **Appropriation.** For the purpose of carrying out the provisions of this act, there is hereby appropriated out of the general revenue fund the sum of ten thousand dollars for each fiscal year of 1901, 1902, or so much thereof as may be necessary, and not otherwise appropriated.

Sec. 10. This act shall take effect upon approval.

Approved this 26th day of March, 1901.

## CHAPTER 138.

### MUNICIPAL ELECTIONS.

**AN ACT to amend section 890 of the Revised Statutes of Utah, 1898, relating to the municipal elections.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 890, of the Revised Statutes of Utah, 1898, be and the same is hereby amended to read as follows:

**890. Appointment of judges. Voting places. Laws governing.** In all municipal elections the city council and board of trustees of the town shall appoint judges of election and designate the places of voting. There must be at least one voting place in each election district in cities, at any regular election. At special elections for any purpose there shall be at least one voting place in each municipal ward. All elections must be conducted according to the general laws of the state, and all notices and lists of names required to be posted by registry agents prior to any general election shall also be posted by the registry agents prior to any municipal election, the necessary changes being made as to time of posting same.

Approved this 26th day of March, 1901.

The state of Utah, county of \_\_\_\_\_, ss.

I, \_\_\_\_\_, county clerk of \_\_\_\_\_ county, Utah, do hereby certify that \_\_\_\_\_ has exhibited to me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the skin or scalp with the ears entire and tail connected, of \_\_\_\_\_ and has filed with me his affidavit that he killed such animal from which the skin or scalp with ears entire and tail connected was killed in the above county. And I further certify that I have examined and punched the ears of the above mentioned skin, or scalp with the ears entire and tail connected, according to law this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and I further certify that there is due to the within named \_\_\_\_\_, the sum of \_\_\_\_\_ dollars.

Seal.

\_\_\_\_\_,  
County clerk of the  
county of \_\_\_\_\_  
state of Utah.

Said certificate shall show the number and species of the skin or skins or parts of skins so examined and punched and shall be signed by the county clerk in his official capacity attested by his seal. The clerk shall receive from the party to whom the certificate is issued the sum of five cents for each and every skin so punched, which shall be in full compensation for all the services rendered.

**Sec. 5. Clerk to keep record. State Auditor to issue warrant.** It shall be the duty of the county clerk of each and every county wherein said animals are killed to keep a record in a bound book for such purposes, of all skins or parts of skins, together with the date of their receipt, and the name of the person delivering the same, and said book shall be transmitted to his successor on the expiration of his term of office. Upon the receipt of said certificate it shall be the duty of the State Auditor to file the same in his office, and he shall give the person presenting such certificate a warrant to the State Treasurer, drawn on the State Treasurer, for the amount specified in accordance with law, the person presenting such warrant upon the Treasurer of the state shall receipt upon the back thereof the full amount received and the Auditor of the state and the State Treasurer shall keep an account of all warrants so issued and paid.

**Sec. 6. Penalty.** Any person exhibiting to the county clerk of any county of this state for the purpose of obtaining said bounty, the skin, or scalp with the ears entire and tail connected of any coyote, lynx, or wild cat, wolf, mountain lion or bear that has been killed prior to the passage of this act or that was killed outside the boundaries of the county and state aforesaid, or who shall patch up any skin or part of skin with intent to defraud the state, or who shall sign the certificate here provided for, without first examining the scalp with the ears entire and tail connected, or who shall intentionally avoid any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, or by

*Amended  
p. 4.*

among them. When any such partial distribution shall be made as herein above provided the title to the estate so distributed shall be freed from the claims of creditors and from the debts, expenses and obligations of the estate and of the administration thereof.

Approved this 26th day of March, 1901.

---

## CHAPTER 140.

### DOCKING HORSE'S TAIL.

AN ACT making it unlawful to dock the tail of any horse, fixing a penalty therefor, and evidence thereof, and the disposition of fines collected on account of conviction of persons guilty of cruelty to animals.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Penalty for docking horse's tail.** Whoever cuts the bone of the tail of any horse for the purpose of docking the tail, or whoever causes or knowingly permits it to be done upon premises of which he is the owner, lessee, proprietor, or user, or whoever assists in, shall be punished by fine of not less than twenty-five dollars, nor more than one hundred dollars.

**Sec. 2. What is prima facie evidence.** If a horse is found with its tail so cut, and with the wound resulting from such cutting unhealed, upon the premises of any person, such fact shall be prima facie evidence that the person who occupies or has the use of the premises on which such horse is so found has committed the offense described in section one.

**Sec. 3. Id.** If a horse is found with his tail so cut, and with the wound resulting from such cutting unhealed, in the charge or custody of any person, such fact shall be prima facie evidence that the person having charge or custody of such horse has committed the offense charged in section 1.

**Sec. 4. Fines collected for cruelties to animals where paid in certain cases.** In all cases of prosecution for cruelties inflicted upon dumb animals, the fines collected upon or resulting from the complaint or information of any officer or agent of the Utah Humane Society shall be paid to said society, less a sum equal to the expense of prosecution, which sum shall be determined by the court or trial justice.

**Sec. 5. Disposal of abandoned diseased or disabled animal.** Any officer or agent of the Utah Humane Society may take charge of any animal found abandoned that may appear to be diseased or disabled beyond recovery for any useful purpose; and thereupon shall, as quickly as may be, cause such animal to be appraised under oath by two reputable citizens who shall view the same in his pres-

ence and determine its value, and if such appraised value does not exceed five dollars, such officer may at once cause said animal to be killed in a humane manner. Said society shall thereupon be indebted to the owner for the amount of its value, except when the appraisers determine that the death of the animal was rendered necessary by the owner's wilful abandonment or cruelty; and said society shall pay to the appraisers a reasonable compensation for their services.

Approved this 26th day of March, 1901.



# GENERAL INDEX.

ABSTRACT	PAGE.
of judgment in justice's court to be docketed in district court, effect.....	16
of transient live stock certificate, county clerk to make.....	104

## ACTION

criminal, against corporation, prosecution of	7
dismissal of, procedure.....	2
advice to grand jury.....	8
issue of bench warrant in.....	9
subpoena in.....	10
notice in, for additional examination of witnesses.....	11
county attorney to approve attendance certificate and mileage in....	38
district attorney to prosecute.....	70
pending in San Juan county transferred to Grand county.....	129
in annexed county transferred.....	131
civil, notice of motion in, time of.....	11
place of trial of.....	16
execution in justice's court in.....	16
ib.....	17
lien of judgment in justice's court in....	16
change of venue.....	17
what may be reversed in, on appeal.....	25
who may maintain, in case of death or absence.....	40
pleading and proving corporate existence in.....	41
to recover from contractor for irrigation works.....	52
district attorney to appear for state....	70
for penalty against insurance company....	74
for taxes unlawfully collected, payment of costs.....	78
for damage in coal mine, when brought....	91
against owner of transitory animals.....	106
writ of attachment in, against owner of transitory herds.....	107
jurisdiction of city courts in.—See <i>Court</i>	112
in city court, trial without jury, when....	113
demand for jury.....	113
municipal courts, jurisdiction in.....	118
change of venue.....	119
procedure.....	119
pending in San Juan county transferred to Grand county.....	129
in annexed county transferred.....	131
for failure of water commissioner.....	145

## ADMINISTRATOR

liable for inheritance tax.—See <i>Taxation</i> .....	61
compensation to, subject to inheritance tax..	63
suit against coal mine operator by.....	91
petition for—See <i>Probate Practice</i> .....	95
for partial distribution of estate.....	181

ADVERTISEMENT—See <i>Publication</i> .....	PAGE.
--	-------

## AFFIDAVIT

in hearing on motion—See <i>Court</i> .....	12
---	----

## AGRICULTURAL COLLEGE

appropriation to.....	162
-----------------------	-----

## AGRICULTURE

products of, at state fair.....	38
statistics of, report.....	48

## ANIMALS

exempt from taxation, when.....	28
statistics of, report.....	48
diseased, enforcement of law regarding.....	72
injury to, liability of railroad company.....	92
poison for ground squirrels, etc.....	94
sale of estrays.....	100
transitory, defined for purposes of taxation..	103
bringing into state by non-resident.....	133
removing from county to county by residents.....	103
owner to file certificate.....	104
county clerk, duty.....	104
cash deposit or bond by non-resident owner.....	104
owned by resident, assessment....	105
payment of tax.....	105
certificate of, by county assessor..	105
not to pay additional tax, owner of	105
apportionment of tax on.....	106
omitted, may be assessed where found.....	106
failure of owner, county to sue....	106
attempt to evade tax, penalty....	106
failure to file certificate or give bond, penalty.....	107
not exempt from double taxation, when.....	107
failure of officer as to transitory stock, penalty.....	107
protection of, for game.....	156
wild, bounty for killing.....	178
manner of proceeding.....	178
duty of county clerk.....	178
ib.....	179
ib.....	180
certificate to State Auditor.....	178
payment of, account.....	179
penalty for fraud regarding.....	179
ib.....	180
appropriation for.....	180
cruelty to.....	182
disposal of fines.....	182
docking horse's tail.....	182
diseased or disabled, disposal of.....	182
appraisal.....	182

<b>ANNEXATION</b>	PAGE.
of San Juan county to Grand county.....	128
of one county to another.....	129
<b>ANTELOPE</b>	
protection of.....	156
<b>APPEAL</b>	
what may be reversed on, in supreme court..	26
from municipal court, procedure—see <i>Court</i> ..	116
from judgment of city court .....	113
district court, exception .....	113
<b>APPRAISEMENT</b>	
of property subject to inheritance tax.....	62
See <i>Taxation</i> .	
of disabled or diseased animal. ....	162
<b>APPROPRIATION</b>	
legislative expenses, 1901.....	1
ib. ....	75
ib. ....	168
from reservoir land grant fund.....	58
for destruction of ground squirrels, etc.....	94
to state silk commission.....	153
for state officers.....	158
for state bureau of statistics .....	49
ib. ....	164
judicial department.....	161
state institutions.....	162
state boards.....	165
interest on state bonds.....	166
refund to settlers on school lands.....	166
miscellaneous expenses.....	170
deficits in various funds.....	172
unexpended balances of, to be returned.....	173
deficiencies forbidden.....	173
drawing warrants for.....	173
ib. ....	177
filing claims for.....	174
order of payment.....	174
no duplication.....	174
highways and bridges.....	174
expenditure of.....	177
for bounties for killing wild animals.....	160
<b>ARBITRATION</b>	
state board of—See <i>Labor</i> .....	68
required in strikes and lockouts.....	68
<b>ARID LANDS</b>	
selection of—See <i>State Lands</i> .....	50
<b>ARREST</b>	
of fugitive from justice, procedure.....	7
<b>ASSESSMENT</b>	
books, state board of equalization to examine	66
to furnish.....	124
equalization of.....	24
rolls, certificate regarding transitory stock to	
be entered on .....	104
rolls, transitory stock to be listed on.....	105
contents.....	124
appropriation for.....	166
apportionment of, to districts.....	147
<b>ASSESSORS</b>	
to report to bureau of statistics—See <i>County</i>	
<i>Assessor</i> .....	48
maps, making of county.....	101
<b>ASYLUM</b>	
appropriation to state insane.....	163

<b>ATTACHMENT</b>	PAGE.
exemptions from levy on.....	9
to issue for evasion of transitory herd law—	
See <i>Court</i> .....	16
<b>ATTORNEY</b>	
district—See <i>District Attorney</i> .	
county—See <i>County Attorney</i> .	
not to appear in court without license.....	16
appearance of, in justice's and city courts.....	16
<b>ATTORNEY GENERAL</b>	
district attorney to assist.....	7
salary.....	7
appropriation to.....	16
ib. ....	16
<b>AUDITOR</b>	
state—See <i>State Auditor</i> .	
county—See <i>County Auditor</i> .	
<b>BAIL</b>	
notice of application for, to be given.....	1
refunded when information not filed.....	1
<b>BANK</b>	
liability to, where a corporation.....	1
fee for filing statement.....	1
state examiner, appropriation to.....	16
<b>BASS</b>	
protection of.....	16
<b>BEAVER</b>	
protection of.....	16
<b>BEEES</b>	
statistics of, report.....	16
<b>BIRDS</b>	
board of horticulture may import.....	1
protection of.....	16
<b>BOARDING HOUSE</b>	
compulsory boarding at, forbidden.....	1
<b>BOARD</b>	
of canvassers to canvass election returns—See	
<i>Election</i> .....	16
of county commissioners—See <i>County Com-</i>	
<i>missioners</i> .	
of corrections may charge admission to state	
prison—See <i>State Prison</i> .....	16
to provide books for convicts.....	16
fix salaries at state prison.....	16
lodge prison employees.....	16
of education may invest sinking fund—See	
<i>School</i> .....	16
of equalization, state, duties—See <i>Equaliza-</i>	
<i>tion</i> .....	16
county, failure to perform	
duty.....	16
examiners, state—See <i>Examiners, State Board</i> .	
of examiners for mining boss—See <i>Coal Mines</i>	
school teachers—See <i>Schools</i> .....	16
in county—See <i>Examiners, County</i>	
<i>Board</i> .....	12
school teachers—See <i>School</i> .....	16
of health—See <i>Health</i> .	
of horticulture—See <i>Horticulture</i> .	
of labor—See <i>Labor</i> .	
of land commissioners, duties—See <i>State</i>	
<i>Lands</i> .....	16
of pardons, vacancy in—See <i>Pardons</i> .....	16
<b>BONDS</b>	
of railroad corporation, exchange—See <i>Rail-</i>	
<i>road</i> .	



<b>BONDS—concluded.</b>	<b>PAGE.</b>
school district, issue of—See <i>School</i> .....	12
county—See <i>County</i> .....	30
of state officers, approval.....	36
of contractor for state reservoir—See <i>State Lands</i> .....	57
official, fee for recording.....	59
fraudulent assignment, penalty.....	60
district attorney to examine appearance.....	70
prosecute on forfeiture of.....	71
sinking funds may be invested in.....	82
city, outstanding, to be reported annually.....	95
may issue.....	133
of San Juan county, transfer.....	129
of annexed county, transfer.....	131
appropriation of interest on state.....	166
<b>BOUNTY</b>	
record of, by silk commission.....	152
for wild animals.....	178
<b>BRANDS</b>	
publication and distribution of.....	65
estrays, to be described in notice of sale.....	100
registration of.....	125
<b>BRIDGES</b>	
railroads united by—See <i>Railroad</i> .....	
control and repair of public.....	12
collection of poll tax for.....	12
eminent domain for.....	19
state appropriation for.....	174
<b>BUFFALO</b>	
protection of.....	156
<b>BUILDING</b>	
association, fee for certificate to.....	59
public—See <i>Public Buildings</i> .....	
<b>BUREAU OF STATISTICS</b>	
state, established; duties.....	47
<b>BURIAL</b>	
by county, of deceased soldier, sailor or marine.....	6
<b>BUTTER—See Dairy</b> .....	
<b>CANAL</b>	
right of eminent domain.....	20
statistics of, report.....	48
construction of.....	50
state engineer, duty regarding.....	143
to inspect dams.....	146
<b>CANVASSERS</b>	
board of—See <i>Elections</i> .....	
<b>CAPITAL STOCK</b>	
of railroads, increase of—See <i>Railroad</i> .....	
<b>CAR</b>	
on railway to be vested—See <i>Railroad</i> .....	44
company, taxation of.....	147
tax on, who is collector—See <i>Taxation</i> .....	148
<b>CAREY ACT</b>	
acceptance of and reclamation of arid lands..	49
<b>CARRIER</b>	
common, exempt from insurance requirement, when.....	74
delivery of dangerous explosive to.....	76
infernal machine to.....	98

<b>CATTLE</b>	<b>PAGE.</b>
statistics of, report—See <i>Animals</i> .....	48
<b>CEMETERY</b>	
eminent domain for.....	20
exempt from execution.....	30
city may purchase.....	139
<b>CERTIFICATE</b>	
issue of, to railroad corporation—See <i>Railroad</i> .....	
registration, transfer, how given.....	10
superintendent of public instruction to hold educational.....	46
and seal of state, affixing—See <i>Fees</i> .....	58
outstanding witness and juror, to be presented.....	66
barred.....	67
coal mine inspector to present.....	83
boss, issue of—See <i>Coal Mines</i> .....	90
school teachers, examination for.....	96
ib.....	97
transitory stock, to be filed.....	104
assessor to give.....	104
penalty for failure to file.....	107
of election, county clerk to issue.....	117
redemption from tax sale, fee.....	123
state engineer, drawing warrant on.....	142
payment on, of water commissioners.....	145
for bounty on wild animals killed.....	178
<b>CHARITABLE</b>	
incorporations, formation and power.....	78
proof of.....	79
<b>CHATTEL MORTGAGE</b>	
renewal of; limitation.....	96
<b>CHEESE—See Dairy</b> .....	
<b>CHEMICALS</b>	
use of injurious, in food, penalty.....	71
<b>CHURCH</b>	
incorporations, formation and power.....	78
proof of.....	79
<b>CITY</b>	
court of, to be notified of arrest of fugitive ..	7
justice's, jurisdiction of.....	108
established—See <i>Court</i> .....	110
rooms, vacancy.....	111
appearance of attorney in.....	116
(municipal) created—See <i>Court</i> .....	117
registration, transfers.....	10
eminent domain for.....	19
property exempt from execution.....	30
sale of exposition grounds to.....	36
works, eight hours a day's labor.....	37
may grant depot site.....	42
ib.....	135
officers to give information to bureau of statistics.....	48
notice of strike.....	69
elective.....	109
term.....	110
sale of liquor in, near Indian reservation.....	55
primary, voting at.....	72
organization of corporation in.....	79
sinking fund, investment of.....	82
annual financial statement of.....	95
justices of the peace, jurisdiction of.....	108

CITY—continued.	PAGE.
apportionment of assessments to.....	147
school tax, levy, limit special levy.....	149
levy of tax for improvements.....	153
election, conduct of.....	180
council:	
may grant depot site.....	42
ib.....	135
invest sinking fund.....	82
provide rooms for city judges.....	111
advertisements in streets..... (sub. 25)	135
alleys, etc., lay out, etc..... (sub. 8)	133
regulate use of..... (sub. 9)	134
animals, cruelty to, punish..... (sub. 63)	139
fastening, prescribe..... (sub. 84)	141
at large, impound..... (sub. 68)	139
appropriate money..... (sub. 2)	133
arrest vagrants, etc..... (sub. 52)	138
ashes, deposit of, regulate..... (sub. 58)	138
assault and battery, punish..... (sub. 50)	137
bath houses, construct..... (sub. 14)	134
bawdy houses, suppress..... (sub. 40)	136
bell ringing, etc., prevent..... (sub. 83)	141
begging, punish..... (sub. 54)	138
bicycles, regulate..... (subs. 29, 74)	135, 140
births, record, provide for..... (sub. 67)	139
boilers, construction..... (sub. 57)	138
inspection..... (sub. 61)	139
bonds, issue..... (subs. 6, 7)	133
pay interest..... (sub. 6)	133
officers', approve..... (sub. 85)	141
bonfires, prevent..... (sub. 60)	139
borrow money..... (sub. 4)	133
bridges, construct and repair..... (sub. 36)	136
regulate use..... (sub. 36)	136
buildings, erect..... (subs. 5, 73)	133, 140
public, care of..... (sub. 73)	140
regulate..... (sub. 55)	138
destruction..... (sub. 56)	138
cemetery, purchase..... (sub. 66)	139
control..... (sub. 66)	139
indigent dead, bury..... (sub. 79)	140
census, provide for taking..... (sub. 72)	140
cesspools, regulate..... (sub. 37)	136
children, indigent..... (sub. 80)	140
chimneys, regulate..... (sub. 57)	138
coal oil, storage..... (sub. 60)	139
combustibles, regulate, storage..... (subs. 55, 60)	138
lumber, regulate keeping..... (sub. 75)	140
court, city, provide rooms for.....	111
cruelty to animals, publish..... (sub. 63)	139
curbs and gutters, provide..... (sub. 24)	136
dead, burial of..... (subs. 67, 79)	139
deaths, record..... (sub. 67)	139
debts and expenses, pay..... (sub. 2)	133
diseases, contagious, prevent..... (sub. 65)	139
disorderly conduct, prevent..... (sub. 50)	137
houses, suppress..... (sub. 40)	136
districts, tax, create, etc..... (sub. 16)	134
disturbing peace, punish..... (sub. 50)	138
dogs, license, etc..... (sub. 69)	139
drains, construct, etc..... (sub. 37)	136
electricity, franchise..... (sub. 19)	134
meter, rent..... (sub. 20)	135
inspection..... (sub. 20)	135
poles and wires..... (sub. 20)	135
regulate sales..... (sub. 20)	134
works for..... (sub. 14)	134

CITY—continued.	PAGE.
elections, arrange for.....	180
engineers, examination..... (sub. 61)	139
licensing..... (sub. 61)	139
estrays, etc., impound..... (sub. 68)	139
explosives, storage of..... (sub. 60)	139
fighting, punish..... (subs. 50, 53)	137, 138
finances, control..... (sub. 1)	133
fire apparatus, provide..... (sub. 59)	138
firearms, carrying, prohibit..... (sub. 51)	138
discharging, punish..... (sub. 50)	138
fire department, provide..... (sub. 59)	138
escapes, prescribe..... (sub. 56)	138
extinguishment, provide for..... (sub. 59)	138
limits, define..... (sub. 55)	138
works, regulate..... (sub. 50)	138
franchise for lighting, grant..... (sub. 19)	134
railways, grant..... (sub. 32)	135
depot site, grant..... (sub. 32)	135
gas construction..... (sub. 14)	134
franchise..... (sub. 19)	134
mains in streets..... (sub. 13)	134
meter, inspection..... (sub. 20)	135
rent..... (sub. 20)	135
regulate sale..... (sub. 20)	134
gunpowder, etc., storage..... (sub. 60)	139
gutters, regulate, etc..... (subs. 24, 49)	135, 137
hand bills, distribution, etc., regulate..... (sub. 36)	135
health, create board..... (sub. 65)	139
secure..... (sub. 65)	139
hospitals, purchase land for..... (sub. 66)	139
houses, numbering..... (sub. 30)	135
disorderly, suppress..... (sub. 40)	136
of ill fame, suppress..... (sub. 40)	136
impaired, powers not..... (sub. 23)	135
improvements, tax for.....	153
inspection, boilers..... (sub. 61)	139
liquors..... (sub. 61)	139
provisions..... (subs. 45, 47)	137
weights, etc..... (sub. 47)	137
jail, keepers of..... (sub. 62)	139
provide..... (sub. 62)	139
use of county..... (sub. 62)	139
judges of election, name.....	180
judge, city, provide rooms for.....	111
labor, prisoners to..... (sub. 52)	138
larceny, petit, punish..... (sub. 50)	137
lease, property..... (sub. 2)	133
waterworks, etc..... (subs. 14, 18)	134
libraries established..... (sub. 77)	140
license certain vocations..... (subs. 38, 39, 87)	136, 141
dogs..... (sub. 69)	139
engineers..... (sub. 61)	139
fix..... (sub. 4)	133
liquor..... (sub. 41)	137
revenue..... (sub. 87)	141
uniformity..... (sub. 87)	141
in city outskirts..... (sub. 41)	137
lighting city..... (subs. 14, 19, 20)	134
lights in stables..... (sub. 60)	139
liquor, license..... (sub. 41)	137
regulate sale..... (subs. 41, 42, 81)	137, 140
lotteries, suppress..... (sub. 40)	137
lumber, piling, etc., regulate..... (sub. 75)	140
manufactories, dangerous..... (subs. 57, 58)	138
regulate..... (sub. 70)	140
markets, establish..... (subs. 44, 47)	137
regulate..... (subs. 44, 47)	137

**Y—continued.**

	PAGE.
treasures, sealing.....(subs. 47, 48)	137
mill privileges, regulate.....(sub. 17)	134
money, borrow.....(sub. 6)	133
name, streets.....(sub. 31)	135
not impaired, powers.....(sub. 23)	135
nuisance, declare.....(sub. 64)	139
offensive trades.....(sub. 70)	140
keeping of pigs.....(sub. 71)	140
railway tracks.....(sub. 33)	135
stables.....(sub. 71)	140
numbering houses and lots.....(sub. 30)	135
obscene writings, prohibit.....(sub. 40)	137
offenses, punish, limitation.....(sub. 88)	141
office, create necessary.....(sub. 86)	141
offices, bonds, reports.....(sub. 86)	141
opium, sale, punish.....(sub. 42)	137
ordinances, enforce.....(sub. 88)	141
pass.....(subs. 76, 88)	140, 141
punishments.....(sub. 88)	141
pawnbrokers, regulate.....(sub. 38)	136
peddling, regulate.....(sub. 38)	136
petit larceny, punish.....(sub. 49)	137
plumbing, regulate.....(sub. 49)	137
polling places, name.....	180
pound, establish.....(sub. 68)	139
keeper.....(sub. 68)	139
processions, regulate.....(sub. 78)	140
profanity, punish.....(sub. 53)	138
property, control.....(subs. 1, 2)	133
prostitution, suppress.....(sub. 40)	136
provisions, regulate sale.....(subs. 44, 47)	137
inspection.....(sub. 45)	137
punishments, provide.....(sub. 88)	141
quarantine laws, provide.....(sub. 65)	139
railways, changing grades..(subs. 33, 35)	135, 136
construction.....(sub. 14)	134
crossings, etc.....(sub. 34)	136
declare a nuisance.....(sub. 33)	135
depot sites, grant.....(sub. 32)	135
drainage, etc.....(sub. 35)	136
flagmen.....(sub. 35)	136
franchise.....(sub. 32)	135
required to fence.....(sub. 34)	136
speed, etc.....(sub. 29)	135
regulate certain vocations.....(subs. 38, 39)	136
liquor traffic.....(subs. 41, 42, 81)	137, 140
markets.....(sub. 43)	137
officers.....(sub. 86)	141
riot, prevent.....(sub. 50)	138
rooms for city judges, provide.....	111
sewers, build, repair.....(subs. 13, 37)	134, 136
regulate.....(sub. 49)	137
sidewalks, lay out.....(sub. 8)	133
obstructions.....(subs. 11, 22)	134, 135
regulate use.....(sub. 23)	135
sales, traffic.....(sub. 28)	135
streets, curbs and gutters.....(sub. 24)	135
games, etc., in.....(sub. 74)	140
garbage, etc.....(sub. 23)	135
handbills, etc.....(subs. 25, 26)	135
lay out, etc.....(sub. 8)	133
lighting, etc.....(sub. 12)	134
sprinkling.....(sub. 31)	135
naming, etc.....(sub. 31)	135
obstructions, prevent..(subs. 11, 23)	134, 135
placards, etc.....(sub. 26)	135
plant trees in.....(sub. 9)	134

**CITY—concluded.**

	PAGE.
streets, poles and wires.....(sub. 20)	135
processions, regulate.....(sub. 78)	140
railroad crossings.....(subs. 34, 35)	136
flagmen.....(sub. 35)	136
in streets.....(subs. 32, 33)	135
regulate use.....(subs. 10, 25)	134, 135
riding and driving.....(sub. 29)	135
signs, banners.....(sub. 27)	135
tax, provide for.....(sub. 82)	140
traffic, sales upon.....(sub. 28)	135
water mains, etc.....(sub. 13)	134
tax certain vocations.....(subs. 38, 39)	136
districts, create.....(sub. 16)	134
dogs.....(sub. 69)	139
improvements.....	153
private business.....(sub. 87)	141
street, to provide.....(sub. 82)	140
to be uniform.....(sub. 88)	141
taxes, levy and collect.....(sub. 3)	133
telegraph poles, etc., regulate, subs. (20, 25)	135
telephones, construct, etc.....(sub. 14)	134
poles, etc., regulate.....(subs. 20, 25)	135
tramps, punishment.....(sub. 54)	138
trees, plant.....(sub. 9)	134
vacancy in municipal court.....	120
vagrants, punish.....(sub. 54)	138
warrants, issue.....(sub. 6)	133
water, control courses.....(sub. 17)	134
fix rate.....(sub. 21)	135
mains in streets.....(sub. 13)	134
purchase or lease.....(sub. 18)	134
regulate sale.....(sub. 21)	135
waterworks, construct, etc.....(subs. 13, 14, 15)	134
jurisdiction over.....(sub. 15)	134
lease.....(subs. 14, 18, 76)	134, 140
protect.....(sub. 15)	134
purchase.....(sub. 76)	140
weights, etc., sealing.....(subs. 47, 48)	137

**mayor:**

to give notice of threatened strike or lock-out.....	69
to fill vacancy in city judge.....	111
in municipal court.....	120
to approve bond of municipal judge and clerk.....	121
municipal judge succeeds justice of the peace.....	121

**CIVIL**action—See *Action*.**CIVIL PROCEDURE**

code of, applicable to city court.....	115
municipal court.....	119

**CLERK**

of district court may issue bench warrant....	9
subpoena.....	11
judgments in justice's courts to be docketed with..	16
district attorney to file statement with, when.....	26
witness and juror certificates issued by.....	38
ib.....	66
to give notice of petition for letters of administration..	95
notice by mail, how sent by..	122
posting, how made.....	122

<b>CLERK—concluded.</b>	<b>PAGE.</b>
of trustees to sign school district bonds.....	15
county, to attest bonds—See <i>County Clerk</i> .....	31
deputy, supreme court, appointment and duties.....	32
of corporation, fraud by, penalty.....	60
district attorney, may employ.....	71
of city court, term, duties—See <i>Court</i> .....	110
fees—See <i>Fees</i> .....	114
of municipal court, duties.....	119
appointment, salary.....	119
<b>COAL MINES</b>	
Inspector of, appointment, term.....	83
salary and expenses.....	83
qualifications, bond.....	83
give whole time to office.....	84
mine owners to assist.....	84
not to obstruct mine.....	84
map for inspection by.....	84
books, inspection by.....	87
permission by, to use explosive.....	88
general duties.....	89
improper working etc., procedure.....	90
notice to, in case of accident.....	90
may testify at inquest.....	90
on board of examiners.....	90
certificate to fire boss by.....	91
inspection of.....	83
owners of, to assist inspector.....	84
not to be obstructed.....	84
maps of workings.....	84
openings, cages, etc.....	84
escape, appliances for.....	85
stretchers, etc.....	85
ventilation to be provided.....	85
no furnace for.....	85
quantity of air.....	85
current of, circulation.....	85
abandoned parts.....	86
districts for.....	86
closing cross cuts.....	86
hanging doors.....	86
air bridges.....	86
measurements.....	86
cross cuts for.....	86
discovery of fault.....	88
water system for.....	86
timbers, rails, etc.....	87
employees, rules for.....	87
qualifications of.....	89
operators, etc., rules for.....	87
safety of mines, rules for.....	87
precaution by supervision.....	87
abandoned parts, examination and report.....	87
explosive gases.....	87
safety lamps.....	87
ib.....	89
timbering, etc.....	88
persons, number entering.....	88
intoxicated.....	88
ventilation, fault in.....	88
damage.....	88
explosive, use of.....	88
needles, bars and cartridges.....	88
charges missing fire.....	88
examination of room after blast.....	88

<b>COAL MINES—concluded.</b>	<b>PAGE.</b>
safety of mines, qualification of employee.....	4
passageway, transportation.....	85
obstructions.....	89
safety holes.....	85
employment of inexperienced persons.....	89
gilsonite or elaterite mine.....	89
posting rules.....	89
hydro-carbon mine inspection.....	90
not to be operated, when unsafe.....	90
speaking tubes.....	90
accident, inspector to be notified; duty.....	90
inquest to be held; procedure.....	90
examining board for mining boss.....	90
duty, vacancy, etc.....	91
certificate, mining boss.....	90
fire boss.....	91
to be posted.....	91
suit by administrator.....	91
exception for certain mines.....	91
refusal to comply with law, penalty.....	91
Scotfield disaster, vote of thanks to relief committee, etc.....	98
inspector, appropriation to.....	160
ib.....	173
<b>COMMISSIONER</b>	
of state bureau of statistics—See <i>Bureau of Statistics</i> .....	47
county—See <i>County Commissioners</i> .....	
dairy and food, duties.....	72
water—See <i>Water</i> .....	
<b>COMPANY—See Corporation.</b>	
<b>COMPENSATION</b>	
of officers—See <i>Salary</i> .....	
to executor or trustee subject to inheritance tax.....	63
<b>COMPULSORY</b>	
vaccination forbidden.....	15
boarding at company boarding house forbidden.....	39
<b>CONCILIATION</b>	
board of arbitration, and labor—See <i>Labor</i> .....	
<b>CONSTABLE</b>	
to be furnished with record of marks and brands.....	65
a precinct officer.....	102
unlawful water takers to be turned over to.....	144
to enforce fish and game law.....	155
<b>CONTRACT</b>	
for waterworks for desert lands.....	51
for state reservoirs.....	57
See <i>State Lands</i> .....	
<b>CONVICTS</b>	
delivery of, to state prison.....	35
books to be purchased for use of.....	82
in San Juan county, transfer to Grand.....	128
<b>CORONER</b>	
inquest by, over coal mine accident.....	90
<b>CORPORATION</b>	
railroad, formation and powers of—See <i>Railroad</i> .....	3
to fence track and guard crossings.....	92
criminal proceedings against.....	7
banking, liability to.....	13
school district, issue of bonds by—See <i>School</i> .....	14

<b>CORPORATION—concluded.</b>	<b>PAGE.</b>
to require only eight hours labor a day when.	37
not to compel employee to board at company boarding house.	39
pleading and proving existence of	41
street railway, to vestibule cars.	44
officers to give information to bureau of sta- tistics.	48
for constructing reservoir.	50
filing articles by, fees—See <i>Fees</i> .	58
misconduct of officer, penalty.	60
foreign, doing insurance business.	74
church and charitable, formation.	78
proof of.	79
general, formation of.	79
subscriptions.	80
former, validated.	81

**CORRECTIONS**board of—See *State Prison*.**COUNTY**

commissioners—See <i>County Commissioners</i> .	
obligation of, to deceased indigent soldier.	6
court of, to be notified of arrest of fugitive.	7
transfers of registration in.	10
judgment, a lien on real property when.	17
eminent domain for.	19
commissioners, election and term of.	28
property exempt from execution.	30
debts may be refunded.	30
sheriff of, to deliver convict to state prison.	35
D. A. & M. Society to construct buildings in.	36
works, eight hours a day's labor on.	37
attorney to appear in suits affecting	37
give opinion to officers of.	38
officers, payment of salaries of.	41
election of certain.	117
terminate in San Juan.	128
school tax, levy and apportionment of.	43
witness not to go outside of, when.	47
officers to give information to bureau of sta- tistics.	48
of strikes and lockouts.	69
fine for selling liquor near Indian reservation to go to.	55
not charged fees, when.	60
to be furnished with records of marks and brands.	65
state board of equalization to visit.	66
tax deed held by, publication unnecessary.	77
unlawfully collected, payment.	77
of indigent persons, remitting.	94
refund of illegally collected.	121
on car companies in.	147
levy for 1901 and 1902.	158
general corporation formed in, requirements.	79
bonds, investment of sinking fund in.	82
to pay cost of inquest over coal mine accident.	90
examining board for coal mine boss in.	90
for teachers.	97
appointment, salary.	123
distribution of poison for squirrels, etc.	94
school superintendent, rules in teacher's ex- amination.	96
delivering infernal machine, prosecution for.	98
ownership maps to be kept in.	100
surveyor to make.	101
ib.	102

<b>COUNTY—concluded.</b>	<b>PAGE.</b>
estrays, sale of, in.	100
transitory stock, taxation in.	108
jurisdiction of city courts in.	112
fees, to pay certain, in city court.	115
to receive from city court.	115
assessment rolls to be furnished to.	124
annexation of San Juan to Grand	128
ib.	129
petition, election.	129
election returns, canvass of.	130
favorable result certified.	130
proclamation by Governor.	130
publication.	130
conditions.	130
officers, transfer of.	131
actions, disposal of, on.	181
bonded indebtedness on.	131
boundaries of Grand.	128
prisoners in San Juan, transfer of.	128
actions pending in, prosecution.	129
bonded indebtedness of San Juan.	129
water districts in.	143
silk commission, appointment and duties.	152
compensation.	152
fish and game warden, duties—See <i>Fish and Game</i> .	155
state appropriation to, for salaries.	161
highways and bridges.	174
bounty for wild animals killed in.	178

**COUNTY ASSESSOR**

salary, half of, paid by state.	41
report to bureau of statistics.	48
maps of, basis of present ownership maps.	100
transitory animals, certificate regarding	104
ib.	106
to require payment on.	104
making assessment on.	105
to assess omitted.	106
failure to comply with act concerning.	107

See *Taxation*.**COUNTY ATTORNEY**

may issue subpoena.	11
powers and duties of—See <i>County Court</i> .	37

**COUNTY AUDITOR**

school trustees to make statement to.	14
to certify school bonds.	15
accounts to be filed with.	38
drawing warrants for board of examiners.	123
transmit order of county board on apportion- ment of assessment.	147
charge treasurer with taxes.	147

**COUNTY CLERK**

to attest bonds.	31
appraisement of estate, to file with State Treasurer.	64
marks and brands, record of, to be furnished to.	65
incorporators to make oath before.	79
estrays, to preserve notice of sale of.	100
transitory animals, certificate of, to be filed with.	104
index and abstract.	104
deliver to assessor.	104

COUNTY CLERK—concluded.	PAGE.
election returns, canvass, certificate.....	117
annexation of county, certify returns.....	130
term ended.....	131
duty.....	131
wild animals brought to.....	178
to examine.....	178
issue certificate.....	178
keep record.....	179
fraud regarding.....	179
administer oaths.....	180

COUNTY COMMISSIONERS	
duty regarding deceased soldiers, etc.....	6
road supervisors, directed by.....	12
report to.....	12
election, term of office.....	28
ib.....	117
may refund outstanding indebtedness.....	30
salaries, to order payment.....	41
school tax, levy of county, limit.....	43
fund, fix certain charges against.....	43
delinquent tax list, direct publication.....	76
sinking fund, investment by.....	82
inquest over coal mine accident, pay cost of.....	90
taxes of indigents, may remit.....	94
on transitory herds.....	106
delinquent, publication of.....	148
levy of, for 1901 and 1902.....	158
maps, may order.....	102
transitory herds, statement on.....	106
suit for failure.....	106
failure to comply, penalty.....	107
divide county into precincts.....	109
water districts.....	143
board of examiners, appoint and remove.....	123
approve compensation.....	123
annexation of county, petition to.....	129
to provide for election.....	129
water districts, to create, etc.....	143
measurements, omit, when.....	144
commissioner to report to.....	145
appropriation, failure of, procedure.....	146
assessment, to declare.....	147
apportionment.....	147
tax list, direct publication of delinquent.....	148
levy for 1901 and 1902.....	158
silk commissioner, appointment by.....	152
compensation.....	152

### COUNTY RECORDER

statement of property subject to inheritance tax to be filed with—See <i>Taxation</i> .....	62
chattel mortgage to be filed with.....	96
ownership maps, to prepare and keep.....	100
validating certain instruments recorded by.....	103
state engineer's map to be filed with.....	143

### COUNTY SUPERINTENDENT OF SCHOOLS

issue of school bonds, duty.....	14
salary, county to pay.....	41
canvass of votes for.....	117
on board of examiners.....	123
See <i>Schools</i> .	

### COUNTY SURVEYOR

ownership maps, to prepare and keep.....	101
exception.....	102

### COUNTY TREASURER

attorney to file receipts with and pay money to.....	38
salary, half of, paid by state.....	41
delinquent tax list, publication.....	76
car companies.....	138
transient live stock, payment on, to go to.....	104
owner to give bond to.....	104
to collect tax on.....	105
ib.....	105
failure to comply with act.....	107
taxes, to collect school; payment.....	150
See <i>Taxation</i> .	

### COURT

duty, on arrest of fugitive from justice.....	7
grand jury, advice to, on request.....	8
notice, to require reasonable, to district attorney.....	8
of application for bail, must require.....	8
on conditional examination of witnesses.....	11
in motion under rule of.....	12
of trial in municipal.....	120
dismissal of criminal action by.....	9
ib.....	27
bench warrant, issue by clerk.....	9
subpoena, issue of.....	10
affidavit in hearing on motion.....	12
place of trial, may change.....	18
ib.....	17
justice's issue of execution.....	16
judgment in, becomes lien when.....	16
execution on.....	17
jurisdiction of.....	108
appeals from.....	108
district to be notified of arrest of fugitive.....	7
judgment in justice's court, docketing.....	16
execution on judgments in justice's, same as.....	17
has jurisdiction in inheritance tax, duty.....	64
action from city court.....	112
ib.....	113
attorney to examine appearance bonds in.....	70
to prosecute on forfeiture of bonds.....	71
petition to, for partial distribution of estate.....	181
appropriation for salaries.....	161
ib.....	172
to appoint board of examiners for mining boss.....	90
ib.....	91
mileage of judge of.....	102
appeals to, from justices' courts.....	108
posting notice ordered by, defined.....	122
annexing county, jurisdiction.....	131
open venire for jurors.....	154
may call in another judge.....	18
supreme, what may be reversed in.....	25
deputy clerk and stenographer.....	32
appropriation to, for salaries, etc.....	161
ib.....	172
information, duty.....	26
may set aside.....	27

<b>COURT—concluded.</b>	PAGE.
inheritance tax, procedure in—See <i>Taxation</i> ...	62
ib.	64
refusal to testify before board of labor, etc.	
contempt of.....	48
certain records to be received as evidence in	108
city, created.....	110
judges of, election, qualification, etc....	110
forfeit office.....	111
vacancy.....	111
paid by city.....	111
reside and hold court in city..	111
recorder ex-officio clerk.....	111
duties of.....	111
custodian of records.....	114
may make rules.....	112
jurisdiction.....	112
ib.	113
commencing action in.....	113
demurrer in.....	113
judgments in, form of.....	113
motion for new trial in, appeal.....	113
try cases without jury, exception.....	114
filing abstract of judgment in; effect....	114
judgment in, a lien.....	114
issue of execution on.....	114
fees, certain, to be paid by county.....	115
to be paid city and county.....	115
when to be open.....	115
rules of practice in.....	115
appearance of attorney in.....	116
municipal, created.....	117
judge, election, qualification.....	117
not to practice law.....	118
salary.....	118
protem, for civil case.....	118
compensation.....	118
what cases tried.....	119
a city and precinct justice.....	120
vacancy, mayor to fill.....	120
to file bond.....	120
to succeed justices.....	120
seal of.....	118
appeals, procedure.....	118
new trials in.....	118
jurisdiction.....	118
procedure, jury trials.....	119
in certain cases.....	119
general.....	119
fees to be paid.....	119
to go to city.....	120
collection of.....	120
costs, payment of, to city.....	119
blanks, dockets, indexes, etc.....	119
clerk to be appointed.....	119
salary and duties.....	119
to file bond.....	120
sheriff to serve process.....	119
preliminary examinations, procedure.....	119
trial in, notice of.....	120
jurors, special venire for.....	154
to determine amount to go to humane society	182
<b>CREDITOR</b>	
to have notice of sale of merchandise in bulk	67
chattel mortgage void against, when.....	96
estate distributed to be free of claims of.....	182
criminal action against corporations, prosecution of.....	7

<b>CREDITOR—concluded.</b>	PAGE.
criminal action advice to grand jury in.....	8
notice in, for application to	
bail.....	8
dismissal of, procedure.....	9
county attorney to approve	
attendance certificates.....	38
district attorney to prosecute	70
delivery of, to state prison.....	35
<b>CROSSINGS</b>	
on railways, protection of—See <i>Railroad</i> .....	92
<b>DAIRY</b>	
statistics of, report.....	49
products, adulteration of, penalty.....	71
and food commissioner, duties.....	72
appropriation to.....	160
<b>DAMAGE</b>	
for injury in coal mine, recovery of.....	91
to animals, liability of railroad.....	92
by failure of water commissioner.....	146
<b>DEAD</b>	
soldier, sailor or marine, burial of.....	6
damages, who may sue when person is.....	40
<b>DEAF, DUMB AND BLIND</b>	
state school, appropriation for.....	163
<b>DEBTOR</b>	
judgment a lien on real property of, when....	16
<b>DEBT</b>	
school district may incur, limit.....	14
county, may be refunded.....	30
investment of sinking fund for.....	
of city to be reported annually.....	95
<b>DECEDENT</b>	
property of, subject to inheritance tax.....	61
action against coal mine owners for death of.....	91
petition for partial distribution of estate of..	181
<b>DEER</b>	
protection of.....	156
<b>D. A. &amp; M. SOCIETY</b>	
to sell exposition grounds.....	36
to hold state fair, where.....	38
appropriation for.....	165
<b>DESERT LAND</b>	
acceptance and reclamation of.....	49
See <i>State Lands</i> .	
<b>DISTRICT</b>	
maps, making of county.....	101
officers, county attorney to furnish opinion....	38
<b>DISTRICT ATTORNEY</b>	
proceedings against corporation by.....	7
to receive notice of arrest of fugitive.....	7
presence of, before grand jury.....	8
application for bail, to be notified of.....	8
may dismiss criminal action.....	9
issue bench warrant.....	9
subpoena for witnesses.....	11
order to be served on, for conditional examination.....	11
notice of motion to.....	11
to file information, failure.....	26
omission.....	27
prosecution of, contempt.....	26
county attorney to assist.....	38

<b>DISTRICT ATTORNEY—concluded.</b>	<b>PAGE.</b>
duties of.....	70
may appear in justice's court.....	71
may employ clerk.....	71
to receive mileage.....	102
appropriation to.....	161
<b>DISTRICT COURT—see Court.</b>	
clerk of—see <i>Clerk; Court.</i>	
<b>DISTRICT JUDGE</b>	
on board of pardons, when.....	102
mileage of—see <i>Court.</i>	102
<b>DISEASE</b>	
enforcement of law regarding animals with....	72
contagious, quarantine rules for.....	131
See <i>Health.</i>	
<b>DITCHES</b>	
construction of—see <i>Canal; State Lands.</i>	50
<b>DOGS</b>	
prairie, destruction of.....	94
<b>DRUNKARD</b>	
sale of liquor to, forbidden.....	45
<b>DUCKS</b>	
protection of.....	157
<b>EDUCATION</b>	
board of—see <i>Schools.</i>	
state, appropriation for.....	166
<b>EIGHT HOURS</b>	
a day's labor on public works.....	37
<b>ELATERITE—See Coal Mines.</b>	
<b>ELECTION</b>	
transfer of registration prior to.....	10
on issue of school district bonds.....	14
of county commissioners.....	28
officers.....	117
on granting depot sites to railways.....	42
of Superintendent of Public Instruction.....	46
primary, only legal voters to vote at.....	72
unlawfully attempting to vote at.....	73
receiving unlawful vote at.....	73
fraud or false return at.....	73
to permit establishment of high school.....	81
of city justice forbidden.....	109
judges.....	110
ib.....	118
of precinct officers.....	117
school district, canvass of votes in.....	117
certificate to issue.....	117
of municipal judge.....	118
for annexation of San Juan to Grand county.....	129
one county to another.....	129
canvass of returns of.....	130
proclamation of result of.....	130
municipal, conduct of.....	180
<b>ELECTORS</b>	
transfer of names registered.....	10
powers of, regarding school district funds....	35
vote on granting depot sites.....	42
State Superintendent to be a qualified.....	46
at primary elections, who is an.....	72
city judge to be a qualified.....	110
may petition for annexation of county.....	129
<b>ELECTRIC</b>	
light and power, eminent domain for.....	20
right of way over state lands.....	3-

<b>ELK</b>	<b>PAGE.</b>
protection of.....	156
<b>EMBEZZLEMENT</b>	
by officer of corporation, penalty.....	61
<b>EMINENT DOMAIN</b>	
how and when exercised.....	19
ib.....	24
<b>EMPLOYEE</b>	
not compelled to board at company house....	39
on street railway, protection of.....	44
of bureau of statistics, violating confidence.....	45
penalty.....	45
statistics of, report.....	49
on state board of labor, etc.....	62
to arbitrate labor troubles—See <i>Labor.</i>	69
in coal mine, access to maps.....	84
means of escape.....	85
stretchers for injured.....	85
protection for.....	87
ib.....	151
to report danger; rules.....	88
eligibility of.....	89
when safety is not provided for.....	90
where slot machine is kept, liability of.....	93
of state prison, salaries of officers and.....	96
may be lodged and messed.....	99
in mine, safety of.....	151
<b>ENGINEER</b>	
state—See <i>State Engineer.</i>	
<b>EQUALIZATION</b>	
state board of, appointment, term.....	65
duties, salary.....	65
to furnish assessment rolls.....	124
contents.....	124
assessment by, apportionment.....	147
secretary of, to collect taxes.....	148
from car companies.....	148
make levy for state purposes.....	157
appropriation for.....	164
county board of, to equalize assessment.....	94
may remit taxes of indigents.....	94
failure to perform duties.....	107
<b>ESTRAYS</b>	
notice of sale of.....	100
<b>EXAMINATION</b>	
in municipal court procedure—See <i>Court.</i>	129
<b>EXAMINER</b>	
state bank, appropriation to.....	161
<b>EXAMINERS</b>	
state board of, publication and sale of record.....	65
of marks and brands.....	65
outstanding witness and juror certificates, report to Legislature.....	67
presentation.....	67
approve bond of state engineer.....	162
fish and game commissioner.....	165
state board of, appropriation to.....	165
county boards of, appointment, removal, compensation.....	123
commissioners may remove.....	123
vacancy in.....	123
<b>EXECUTION</b>	
from justice's court, limitation.....	14
lien on real property not exempt.....	14



<b>EXECUTION—concluded.</b>	PAGE.
district court may issue on judgment from justice's court.....	17
property exempt from .....	28
on judgment in city court, issue of .....	114
<i>ib.</i> .....	115
<b>EXECUTOR</b>	
inheritance tax, liable for—See <i>Taxation</i> .....	61
compensation subject to .....	63
to collect .....	63
suit against coal mine operator by .....	91
petition for partial distribution of estate.....	181
<b>EXEMPTION</b>	
from poll tax, honorably discharged soldier, etc .....	6
from execution.....	28
garnishment.....	29
of transitory animals from additional taxation .....	106
when not effective.....	107
of land for improvements tax.....	125
from punishment for unlawful use of label, when.....	128
<b>EXPLOSIVE</b>	
storage and transportation of dangerous gases, coal mine inspector to have experience with.....	76
gunpowder, or other, not to be stored in coal mine .....	83
See <i>Coal Mines</i> .....	88
in infernal machine .....	97
<i>ib.</i> .....	98
<b>EXPOSITION GROUNDS</b>	
sale of, authorized.....	36
<b>EXPRESS</b>	
company, delivery of dangerous explosive to .....	76
infernal machine to.....	98
<b>FACTORIES</b>	
statistics of, report.....	48
<b>FAIR</b>	
state, to be held at Salt Lake City .....	38
<b>FARM</b>	
statistics of, report.....	48
<b>FEEES</b>	
county attorney to give opinion without, when.....	38
for witnesses before commissioner of statistics.....	47
of Secretary of State.....	58
of clerk of city court.....	114
payment by and to county and city.....	114
in municipal courts, collection.....	119
<i>ib.</i> .....	120
disposal of.....	119
<i>ib.</i> .....	120
for redemption certificate .....	123
of state engineer, disposal of.....	143
<b>FERRY</b>	
union of railroads by—See <i>Railroad</i> .....	
right of eminent domain for.....	19
<b>FIRE</b>	
departments, property of, exempt from execution.....	30
<b>FISH AND GAME</b>	
state commissioner:	
salary.....	154

<b>FISH AND GAME—concluded.</b>	PAGE.
state commissioner:	
control waters of.....	155
distribute fish, etc.....	155
appoint deputies.....	155
enforcement of law.....	155
reports to, of county wardens.....	155
appropriation to.....	159
county wardens:	
duties and powers of.....	155
may make seizure and search.....	155
to report to state commissioner.....	155
to accompany fishermen seining .....	156
miscellaneous:	
sheriffs and constables to enforce law.....	155
seizures and searches .....	155
how fish may be taken, angling.....	155
<i>ib.</i> .....	156
certain fish not to be taken.....	156
sale of certain fish unlawful.....	156
seines, traps, etc., unlawful.....	156
use of seines in certain waters .....	156
taking wild game .....	156
birds.....	157
insectivorous or song birds.....	157
<b>FOOD</b>	
adulteration of dairy products used as.....	71
dairy and, commissioner, duties.....	72
<b>FORECLOSURE</b>	
of lien on water rights—See <i>State Lands</i> .....	54
<b>FRANCHISE</b>	
purchase, etc., of railroad—See <i>Railroad</i> .....	
<b>FRAUD</b>	
of corporate officer, punishment.....	60
in voting at primaries.....	72
<b>FRUIT TREES</b>	
statistics of, report.....	48
<b>GAMBLING</b>	
keeping slot machine for, forbidden.....	93
power of cities relating to.....	136
<b>GAME</b>	
fish and, protection of—See <i>Fish and Game</i> .....	154
G. A. R.	
medals, improper use of, forbidden .....	39
<b>GARNISHMENT</b>	
exemptions from.....	29
<b>GAS</b>	
explosive, in coal mines—See <i>Coal Mines</i> .....	
<b>GILSONITE—See Coal Mines</b> .....	
<b>GOOSE</b>	
protection of.....	157
<b>GOPHERS</b>	
destruction of.....	94
<b>GOVERNOR</b>	
member of state land commissioners.....	83
to approve bond of superintendent of instruction.....	46
to appoint commissioner of statistics.....	47
state board of equalization.....	66
labor .....	68
coal mine inspector.....	83
state engineer.....	141
silk commission.....	151
supervisor to expend highways and bridges appropriation .....	177
commission signed by, fee.....	59

		PAGE.			PAGE.
<b>GOVERNOR—concluded.</b>			<b>HYDRO-CARBON</b>		
board of labor to report to.....		70	mines, inspection of—See <i>Coal Mines</i> .....		
salary of.....		73	<b>IDIOT</b>		
to expend appropriation for extermination of San Jose scale.....		76	sale of liquor to, forbidden.....		
coal mine inspector to report to.....		80	<b>INDECENT</b>		
purchase poison for squirrels, etc.....		94	picture, slot machine for.....		
vote of thanks to Scofield relief committee appointed by.....		98	<b>INDICTMENT</b>		
place of, on board of pardons not filled.....		102	district attorney to draw—See <i>Information</i> .....		
annexation of county, proclamation.....		130	<b>INDUSTRIAL SCHOOL</b>		
state engineer to report to.....		142	state appropriation for.....		
ib.....		143	<b>INFERNAL MACHINE</b>		
appropriation to.....		158	defined.....		
ib.....		172	penalty for delivering or having in possession.....		
<b>GRAND COUNTY</b>			<b>INFORMATION</b>		
boundary of.....		123	and indictment, prosecution by.....		
annexation of San Juan to.....		123	dismissal.....		
election for.....		129	summoning witnesses in sup- port of.....		
<b>GRAND JURY</b>			district attorney to draw.....		
proceeding by, against corporation.....		7	definition, filing, form.....		
advice to, by court or attorney.....		8	setting aside.....		
sessions of, who may attend.....		8	to bureau of statistics, confidential.....		
ib.....		70	how obtained.....		
witnesses before, who may interrogate.....		8	to be given of strikes and lockouts.....		
subpoenaing.....		11	<b>INHERITANCE TAX</b>		
ib.....		70	assessment and collection of—See <i>Taxation</i> .....		
district attorney to attend sessions.....		70	<b>INQUEST</b>		
call witnesses.....		70	in coal mine accident, procedure.....		
special venire for.....		154	justices to hold.....		
<b>GUARDIAN</b>			<b>INSANE</b>		
may maintain action for ward.....		40	person, sale of liquor to, forbidden.....		
<b>HEALTH</b>			asylum, state, appropriation to.....		
board of, not to compel vaccination.....		15	<b>INSTRUMENTS</b>		
permission from, to leave house.....		132	of writing, validation of certain.....		
of animals, enforcement of law.....		72	<b>INSURANCE</b>		
regulations, quarantine.....		131	company, statement, filing fees.....		
concerning school pupils.....		132	foreign, signing of policy, excep- tion.....		
state board, appropriation to.....		165	examination of records.....		
<b>HERRING</b>			action for penalty against.....		
protection of.....		154	acceptance of act by.....		
<b>HIGHWAYS</b>			<b>INTEREST</b>		
control and repair of public.....		12	on school district bonds.....		
collection of poll tax for.....		12	county bonds.....		
eminent domain for.....		19	form of coupon.....		
appropriation for.....		174	certain warrants by state.....		
<b>HOGS</b>			in estate subject to inheritance tax—See <i>Taxation</i> .....		
statistics of, report.....		48	on taxes unlawfully collected, payment.....		
<b>HONEY</b>			ib.....		
statistics of, report.....		48	state bonds, appropriation.....		
<b>HORSES</b>			<b>INTERPRETER</b>		
statistics of, report.....		48	presence of, before grand jury.....		
<b>HORTICULTURE</b>			<b>INTOXICATING LIQUORS</b>		
state board of may import birds.....		34	sale of, to insane persons, etc.....		
distribute information regard- ing kohl meisen.....		34	near Indian reservation.....		
appropriation to exterminate San Jose scale.....		75	power of cities regarding.....		
to prescribe rules for extermin- ating San Jose scale.....		76	<b>IRRIGATION</b>		
additional copies of report of ..		93	works, eminent domain for.....		
appropriation to.....		166	construction of.....		
products of at state fair.....		38	company, rights of way not impaired by state land law.....		
statistics of, report.....		48	system, land grant fund for.....		
<b>HUMANE SOCIETY</b>			duty of state engineer regarding.....		
payment to, of fines for cruelty to animals.....		182	district may invest sinking fund.....		

JUDGES	PAGE.
of city courts, election, etc.—See <i>Court</i> .....	110
municipal court—See <i>Court</i> .....	118

**JUDGMENT**

in justice's court, execution on.....	16
ib. ....	17
becomes a lien, when.....	16
fraudulent assignment by agent of, penalty...	60
revocation of insurance company license	
because of .....	74
for taxes unlawfully collected, payment.....	77
ib. ....	121
in city court, clerk to make synopsis.....	111
manner of entry.....	113
appeal from .....	113

**JURORS**

approval of certificates of.....	38
outstanding certificates of.....	67
in inquest at coal mine accident.....	90
special venire for.....	154

**JUSTICE OF THE PEACE**

inquest by, at coal mine accident.....	90
jurisdiction of, in city.....	108
a precinct officer .....	109
city, abolished .....	109
municipal judge to be ex-officio.....	120
successor to—See <i>Court</i> .....	121
to proceed against person unlawfully using	
trade mark.....	126
to determine amount to be paid humane	
society.....	182

**JUSTICE'S COURT**

judgment in execution on, limit .....	16
becomes lien on land, when.....	16
issue of execution .....	17
county attorney to appear in .....	37
witnesses before bureau of statistics to get	
fees as in.....	47
district attorneys may appear in.....	71
city, rules of procedure in.....	108
who may act as attorney in.....	116
procedure of, for municipal courts.....	118
ib. ....	119
jurisdiction of.....	118
See <i>Court</i> .	

**KOHL MEISEN**

state board of horticulture may import.....	34
reports of.....	34
protection of.....	154

**LABEL**

registration of—See <i>Trademark</i> .....	125
unlawful use of, penalty.....	126
search warrants for.....	127
avoiding penalty for.....	127

**LABOR**

eight hours a day on public works.. ..	37
board of, appointment, term .....	68
how constituted.....	68
vacancy, rules.....	68
seek amicable settlement of threat-	
ened strike.....	68
arbitration, request application for.	
proceedings in.....	69
to be binding .....	69
witnesses, papers, etc.,	
in.....	69

**LABOR—concluded.**

	PAGE.
board of, arbitration, refusal to testify in, a	
contempt.....	69
mayors and sheriffs to	
give information to... ..	69
process, sheriff to serve.....	69
decision by majority... ..	70
to be made	
public .....	70
promise to abide by decision, parties	
to .....	69
stenographer, employment.....	69
report of threatened strike or lock-	
out to.....	69
shall make equitable decision.....	70
keep record, secretary to.....	70
annual report, to Governor.....	70
compensation paid by parties.....	70
expenses paid by state.....	70

**LAND**

judgment a lien on, when.....	16
in lieu of unsurveyed school.....	27
grant, school of mines, beneficiary of .....	32
state, selection, appraisement, sale, etc.....	33
See <i>State Lands</i> .	
desert, acceptance and reclamation of .....	40
reservoir, grant fund—See <i>State Lands</i> .....	50
for irrigation, state engineer to ascertain .....	142

**LAND COMMISSIONERS.—See *State Lands*.****LEASE**

railroad corporations may.—See *Railroad*.

**LEGISLATURE**

appropriation for expenses of.....	1
ib. ....	75
ib. ....	166
member of, not charged fees, when.....	60
report to, of outstanding witness and juror	
certificates .....	67

**LIBRARY**

fund of state prison.....	81
state, appropriation to.....	161

**LICENSE**

required of attorney, in city court—See <i>Court</i> .....	115
power of city.....	133

**LIEN**

judgment in justice's court a, when .....	16
on water rights and arid lands .....	53
See <i>State Lands</i> .	
for taxes, publication of property under.....	76
of taxes, sale of property subject to.....	148

**LIQUOR**

sale of, to minor, etc.....	45
near Indian reservation....	55
power of cities regarding .....	137

**LIVE STOCK**

statistics of, report.....	48
See <i>Animals</i> .	

**LOAN**

association, fee for certificate to.....	59
commissioners, state, appropriation to.....	165

**LOCKOUT**

to be arbitrated.—See <i>Labor</i> .....	68
--	----

**MAGISTRATE**

may issue subpoena .....	10
omission of commitment, information set	
aside.....	27

<b>MAGISTRATE</b> — <i>concluded.</i>	PAGE.	<b>NATIONAL GUARD</b> — <i>See Militia.</i>	PAGE.
county attorney to appear before, when .....	37	<b>NOTARY PUBLIC</b>	
See <i>Court.</i>		incorporators to make oath before .....	79
<b>MAIL</b>		<b>NOTICE</b>	
service by, of notice of motion— <i>See Notice</i> ...	12	of motion and testimony on hearing .....	11
<b>MANUFACTURES</b>		of conditional examination of witnesses .....	11
statistics of, report .....	48	of application for state lands— <i>See State Lands</i> ..	51
<b>MAPS</b>		for bids for state reservoirs— <i>See State Lands</i> ..	57
of canals and irrigation works, making— <i>See</i>		of sale of merchandise in bulk .....	67
<i>State Lands</i> .....	54	of threatened strike, giving .....	69
of coal mines to be made— <i>See Coal Mines</i> .....	84	of state board of labor, etc., served by sheriff ..	69
present ownership, county to prepare .....	100	of sale of property by church corporations,	
state engineer to make .....	143	etc. ....	79
<b>MARINE</b>		estrays .....	100
burial of deceased by county .....	6	of petition of letters of administration .....	95
<b>MARKS</b>		by clerk of city court— <i>See Court</i> .....	111
and brands, publication and distribution of ...	65	under probate code, contents .....	121
annual .....	65	personal service of .....	122
described in estray notice .....	100	posting .....	122
registration of trade .....	125	registry agent to post .....	180
<b>MAYOR</b>		<b>NURSERIES</b>	
elective— <i>See City</i> .....	109	statistics of, report .....	48
<b>MEDALS</b>		<b>OTTER</b>	
improper use of, forbidden .....	39	protection of .....	156
<b>MERCHANDISE</b>		<b>OFFICERS</b>	
sale of, in bulk .....	67	in national guard— <i>See Militia.</i>	
<b>MILEAGE</b>		approval of bonds of state .....	36
of district judges and attorneys .....	102	to give information to bureau of statistics .....	48
appropriation .....	162	of corporation, penalty for misconduct .....	60
<b>MILITARY</b>		<b>ORCHARDS</b>	
organization, property of, exempt from exe-		statistics of, report .....	48
cution .....	30	<b>PARDONS</b>	
<b>MILITIA</b>		board of, filling vacancies in .....	102
property exempt from execution .....	30	state, appropriation for .....	164
officers' commissions, who may hold .....	55	<b>PATENTS</b>	
assembly of, in annual encampment .....	55	for desert lands, state to issue .....	53
drills to be held .....	55	to convey interest in reservoir .....	58
absence from duties .....	56	<i>See State Lands.</i>	
courts, jurisdiction, procedure .....	56	<b>PAUPER</b>	
martial .....	56	burial ground, soldier not to be buried in, by	
appropriation for .....	164	county .....	6
<b>MILK</b> — <i>see Dairy.</i>		<b>PESTS</b>	
<b>MINES AND MINING</b>		insect, importation of kohl melsen to destroy ..	34
eminent domain for .....	19	<b>PLACE OF TRIAL</b>	
school of, established .....	31	of civil action .....	16
products of, at state fair .....	38	may be changed .....	16
statistics of, report .....	48	ib. ....	17
coal mine inspection— <i>See Coal Mines</i> .....	83	of person delivering infernal machine .....	96
owner, etc., to assist .....	84	<i>See Court.</i>	
listing on assessment rolls .....	124	<b>PLATS</b>	
fire protection for .....	150	county to prepare present ownership .....	99
safety apparatus for .....	151	<i>See Maps.</i>	
<b>MINOR</b>		<b>POISON</b>	
sale of liquor to, forbidden .....	45	for destruction of ground squirrels, etc. ....	94
<b>MORTGAGE</b>		in infernal machine .....	97
lien, railroads sold under— <i>See Railroad.</i>		ib. ....	98
fraudulent assignment of, penalty .....	60	<b>POLL TAX</b>	
chattel, renewal of .....	96	soldier, sailor or marine exempt from .....	6
<b>MOUNTAIN SHEEP</b>		collection and expenditure of .....	12
protection of .....	156	<b>POSTING</b>	
<b>MUNICIPAL</b> — <i>See City.</i>		notice, how done— <i>See Notice, Publication</i> ....	122
court— <i>See Court.</i>		<b>POULTRY</b>	
<b>MULES</b>		statistics of, report .....	48
statistics of, report .....	48		

<b>POUNDKEEPER</b>	PAGE.
notice of sale of estrays by .....	100
<b>PRECINCT</b>	
officers, county attorney to furnish opinion to	38
to give information to bureau of statistics.....	48
defined.....	108
election of certain.....	117
primary, voting at.....	72
organization of corporation in.....	80
sale of estrays in .....	100
in San Juan county continued.....	128
<b>PRIMARY</b>	
election, only legal voters at—See <i>Election</i> ...	72
<b>PRISON</b>	
delivery of convict to—See <i>State Prison</i> .....	35
<b>PROBATE PRACTICE</b>	
administration, letters of, petition for hearing	
and notice .....	96
notice by mail under.....	121
posting.....	122
petition for partial distribution of estate.....	181
<b>PROPERTY</b>	
of railroads, consolidation of—See <i>Railroad</i> .	
exempt from execution .....	28
D. A. & M. Society to sell certain.....	36
statistics of, report .....	48
subject to inheritance tax.....	61
certain, exempt from insurance requirement	74
sale of, for taxes .....	76
holding by church or charitable societies.....	78
subscriptions to corporations, payment in.....	80
on assessment roll, description .....	124
in San Juan county transferred to Grand .....	128
See <i>Real Estate. Taxation</i> .	
<b>PROSECUTION</b>	
of offenses by corporations.—See <i>Court</i> .....	7
<b>PUBLIC</b>	
buildings, eminent domain for.....	19
and grounds exempt from execution .....	30
works, eight hours a day on.....	37
<b>PUBLICATION</b>	
of notice of application for state lands—See	
<i>State Lands</i> .....	51
for bids for state reservoirs.....	57
and distribution of marks and brands .....	65
of notice of sale of merchandise in bulk.....	67
petition for letters of administration .....	95
of decision of board of labor, etc.....	70
delinquent tax list.....	76
on car companies.....	148
sale of property by church or charitable corporations .....	79
annual financial statement in cities.....	96
sale of estrays.....	100
description of label, etc.....	125
proclamation, on annexation of county.....	130
report of silk commission .....	153
See <i>Notice</i> .	
<b>PUBLIC INSTRUCTION</b> .—See <i>State Superintendent</i> .	
<b>QUARANTINE</b>	
time of.....	131
regulations .....	132

<b>RAILROAD</b>	PAGE.
corporation, formation and powers of.....	1
ib. ....	4
ib. ....	20
may purchase from, or sell to	
others .....	2
ib. ....	4
ib. ....	21
purchase of competitive line by ..	2
ib. ....	4
ib. ....	21
subscription for increased stock	
in.....	2
ib. ....	5
ib. ....	22
terms of exchange of stock in... 2	
ib. ....	5
ib. ....	23
no combination of competitive	
lines of.....	2
ib. ....	23
consolidation of, limitation.....	3
ib. ....	23
certificate to.....	3
ib. ....	23
may lease lines not competitive. 3	
ib. ....	5
ib. ....	23
eminent domain for.....	19
street .....	19
articles of incorporation, contents .....	20
stockholders to ratify agreement.....	23
affidavit to be filed with Secretary of State... 23	
relocation of lines of.....	24
depots .....	24
repeal of former enactments.....	24
rights accrued confirmed.....	25
granting depot sites to.....	42
ib. ....	135
street, to vestibule cars.....	44
property exempt from insurance requirement,	
when.....	74
company, delivery of dangerous explosive to. 76	
infernal machine to.....	98
tracks, fencing .....	92
ib. ....	135
crossings, cattle guards at public.....	92
gates at private .....	92
in city.....	135
damage to animals, liability.....	92
R. G. W., vote of thanks to.....	99
mileage of district judges and attorneys on... 102	
in city, franchise for.....	135
union depot.....	135
crossings, etc.....	135
fences, etc.....	135
car companies, taxation of—See <i>Taxation</i> .... 147	
to furnish information regard-	
ing.....	149
apportionment of assessed valuation of.....	147
<b>REAL ESTATE</b>	
judgment a lien on, when .....	17
granting municipal, for railway depot.....	42
ib. ....	135
subject to inheritance tax—See <i>Taxation</i> .....	61
sale of, for taxes.....	76
holding, by religious or charitable societies.. 78	

<b>REAL ESTATE—concluded.</b>	<b>PAGE.</b>	<b>SALE—concluded.</b>	<b>PAGE.</b>
on assessment roll, description.....	124	of property by church and charitable corporations.....	73
redemption from tax sale.....	122	trademarked, without owner's consent.....	124
in San Juan county, transferred.....	128	estrays animals.....	120
<b>RECORDER</b>		<b>SAN JOSE SCALE</b>	
of marks and brands to publish and distribute same.....	65	appropriation for exterminating.....	73
county—see <i>County Recorder</i> .		<b>SAN JUAN COUNTY</b>	
<b>REDEMPTION</b>		annexation to Grand county.....	128
of water rights—See <i>State Lands</i> .....	54	election for.....	129
from tax sale.....	122	procedure of transfer.....	128
ib.....	148	ib.....	129
<b>REGISTRATION</b>		<b>SCHOOL</b>	
transfer of.....	10	district bonds, issue of.....	11
of school district bonds.....	15	board to control property.....	35
agents to post notices.....	180	may raise funds.....	35
<b>RELIGIOUS</b>		eminent domain for.....	19
incorporations, formation and powers.....	78	in San Juan county continued.....	128
proof of.....	79	in annexed county continued.....	129
<b>REPORTER</b>		apportionment of assessment to.....	147
supreme court, appropriation to.....	161	vaccination not a condition precedent to entering.....	15
<b>RESERVOIR</b>		State Superintendent to report expense and furnish books.....	18
eminent domain for.....	19	election term, etc.....	46
construction of.....	50	deputy, salary.....	46
land grant fund, creation.....	56	sewerage for, eminent domain.....	20
See <i>State Lands</i> .		land, in lieu of unsurveyed.....	22
<b>REVENUE</b>		appropriation to settlers on.....	160
levy for state purposes—See <i>Taxation</i> .....	157	of mines, state, established.....	31
<b>ROAD</b>		county superintendent, payment of salary.....	41
supervisor in county, duty of.....	12	canvass of votes for.....	117
maps, making of county.....	101	board of examiners, how constituted.....	123
district, apportionment of assessment to.....	147	tax, levy of county, limit.....	43
<b>SAILOR</b>		ib.....	126
burial of, by county.....	6	state, for 1901 and 1902.....	158
<b>SALARY</b>		apportionment of county.....	43
of state land commissioner.....	33	unlawfully collected, payment of.....	74
board of equalization.....	66	ib.....	121
labor.....	70	ib.....	122
officers, amount and payment.....	73	officers to give information to bureau of statistics.....	2
coal mine inspector.....	83	may invest sinking fund.....	82
prison, officers and employees.....	99	high, may be maintained, when.....	81
engineer and assistants.....	142	admission of pupils.....	81
collector of taxes from car companies.....	149	teachers, examination of, rules.....	88
silk commission not to receive.....	152	annually.....	86
secretary.....	152	quarantine regulations affecting.....	122
fish and game commissioner.....	154	city board to prepare statement.....	149
of county officers, payment of.....	41	special tax for maintenance.....	149
board of examiners.....	123	limitation.....	150
water commissioners.....	145	for deaf, dumb and blind, appropriation to.....	163
silk commissioner.....	152	industrial, appropriation to.....	163
of deputy of State Superintendent.....	46	state board of education, appropriation to.....	165
clerk to district attorney.....	71	<b>SCOTFIELD</b>	
city judges.....	110	relief committee, vote of thanks to.....	96
ib.....	111	<b>SECRETARY OF STATE</b>	
municipal judge.....	118	State Superintendent to file bond with.....	46
clerk.....	119	fees to be charged by.....	86
See <i>Title of the office</i> .		salary of.....	73
<b>SALE</b>		insurance company, investigation of, by.....	74
of railroad—See <i>Railroad</i> .....	20	revoke license.....	74
lands irrigated by state reservoirs—See <i>State Lands</i> .....	58	church and charitable corporations, filing article.....	78
stocks of merchandise in bulk.....	67	seal to be left with.....	79
adulterated dairy products, penalty.....	71		
property for taxes, notice.....	76		
redemption from.....	122		
car companies.....	148		

<b>SECRETARY OF STATE—concluded.</b>	<b>PAGE.</b>
coal mine inspector to file bond with.....	88
on board of pardons, when .....	102
annexation of county, returns filed with.....	130
certify result.....	130
state engineer to file bonds with.....	142
silk commission to report to .....	152
fish and game commissioner to file bond with.....	155
appropriation to .....	158
<b>SEINES</b>	
use of—See <i>Fish and Game</i> .....	156
<b>SERICULTURE</b>	
state commission on, appointment, duties....	151
<b>SETTLERS</b>	
water and desert land to—See <i>State Lands</i> ....	51
on school land, appropriation for.....	160
<b>SEWERAGE</b>	
eminent domain for.....	20
<b>SHEEP</b>	
statistics of, report.....	48
mountain, protection of.....	157
<b>SHERIFF</b>	
to deliver convict to state prison.....	35
to give notice of threatened strike or lockout.	69
board of labor, serve process for .....	69
municipal court, serve process for.....	120
unlawful water takers to be turned over to...	145
to enforce fish and game law.....	155
<b>SILK</b>	
commission, state, appointment, duties.....	151
appropriation for.....	166
county, appointment, duties.....	151
<b>SLOT MACHINE</b>	
keeping of, a misdemeanor.....	93
<b>SMALLPOX</b>	
compulsory vaccination for, forbidden.....	15
quarantine regulations .....	132
<b>SMELTERS</b>	
eminent domain for—See <i>Mines and Mining</i> ...	19
<b>SOLDIER</b>	
burial of deceased, by county.....	6
not in pauper ground.....	6
headstone for deceased .....	6
exempt from poll tax .....	6
in national guard—See <i>Militia</i> .....	55
<b>SQUIRRELS</b>	
destruction of, etc.....	94
<b>STATE</b>	
school of mines established.....	31
officers, approval of bonds of .....	36
to give information to bureau of statistics.....	48
not charged fees, when.....	60
salary, payment.....	73
works, eight hours a day on.....	37
fair to be held at Salt Lake City.....	38
salaries of county assessor and treasurer,	
payment of half.....	41
superintendent of public instruction—See	
<i>State Superintendent</i> .	
bureau of statistics created .....	47
officers to give information.....	48
consent to destroy papers.....	48
lands, selection of desert, etc—See <i>State</i>	
<i>Lands</i> .....	50

<b>STATE—concluded.</b>	<b>PAGE.</b>
reservoirs for—See <i>State Lands</i> .....	51
and land, property of, until.....	58
inheritance tax, collection.....	62
State Treasurer represents..	64
board of examiners—See <i>Examiners, State</i>	
<i>Board</i> ,	
horticulture—See <i>Horticulture</i> .	
equalization—See <i>Equalization</i> .	
labor—See <i>Labor</i> .	
to pay expenses.....	70
education to provide questions—	
See <i>School</i> .....	96
juror and witness certificates, liability for....	66
district attorney to attend to legal business	
for .....	71
insurance policy binding in, when.....	74
tax unlawfully collected, repayment.....	77
ib. ....	121
ib. ....	132
bonds, subdivisions may invest in.....	82
coal mine inspector—See <i>Coal Mines</i> .....	83
fish and game, protection—See <i>Fish and Game</i>	
dairy and food commissioner, appropriation to	160
library, appropriation to .....	161
payment of claims against.....	174
bounty for wild animals. ....	178
See title of state officers.	
<b>STATE AUDITOR</b>	
drawing warrants for legislative expenses....	1
ib. ....	75
arid lands expenses.....	53
reservoir fund.....	57
salaries.....	73
appropriations .....	173
ib. ....	177
marks and brands, publish and distribute.....	65
annually... ..	65
salary, payment.....	73
coal mine inspector to present certificate to..	83
appropriation to.....	159
bounty for wild animals, payment .....	175
<b>STATE BANK EXAMINER</b>	
appropriation to.....	160
<b>STATE ENGINEER</b>	
to make plans for reservoirs and supervise	
construction.....	57
appointment, qualifications.....	141
term, salary .....	142
bond and oath.....	142
waters of state, and officers, supervise.....	142
measurement .....	142
ib. ....	143
estimates, improvements,	
etc.....	142
standard of measurement....	143
instructions regarding.....	144
reports concerning.....	144
dividing.....	144
appropriator of, duty .....	145
plans for dam in, submitting. ....	146
irrigation works on, inspec-	
tion .....	146
water districts, creation of, in counties.....	143
commissioners, appointment, duties....	144
instructions to.....	144
report by .....	144

STATE ENGINEER—concluded.	PAGE.	STATE LANDS—concluded.	PAGE.
water commissioners, divide and control wa- ter ..... 144 failure of duty, action against ..... 145 compensation ..... 145 assistants ..... 145 period of service ..... 145 headgate, etc., required by ..... 145 notify county board ..... 145 assistants to, compensation ..... 142 examine reservoir sites ..... 142 traveling expenses ..... 143 reports to Governor ..... 143 inspection on making measurements ..... 143 of dam, etc. .... 146 maps or plats ..... 143 fees for inspection ..... 143 to go into state treasury ..... 143 report to, by water commissioners ..... 143 approve water commissioners' bills ..... 145 county commissioners to create water dis- tricts ..... 143 order measurements omitted ..... 144 allow bills of water commissioner ..... 145 notice to, of failure of appropriator ..... 145 collect taxes for fail- ure ..... 146 water company to pay cost of inspection ..... 146 appropriation for ..... 160 ib. .... 173		arid lands, price of, and fixing ..... 51 ib. .... 53 water rights for ..... 51 ib. .... 53 tax ..... 51 appurtenant to land ..... 53 forfeiture of contract for ..... 52 citizens may enter, conditions ..... 52 final proof of settler ..... 53 reclamation fund for ..... 53 irrigation system ..... 53 maps of ..... 54 lien on, for water ..... 53 contract recorded ..... 54 for cost of reclamation ..... 54 foreclosure ..... 54 redemption ..... 54 right of way, subject to ..... 54 reservoir, fund, creation of ..... 56 appropriation for ..... 56 construction of permanent ..... 56 sites for selection ..... 57 plans and specifications ..... 57 bids for ..... 57 contracts ..... 57 supervisor of ..... 57 payment for ..... 57 appropriation ..... 58 patents, convey interest in ..... 56 requisition on State Auditor for funds ..... 57 interest on unpaid warrants ..... 56 rules by land board ..... 56 irrigation of certain—See <i>State Engineer</i> ..... 142	
<b>STATE INSTITUTIONS</b>		<b>STATE PRISON</b>	
approval of bonds of officers of ..... 36 appropriations to ..... 162		delivery of convicts to ..... 35 library fund, rules for visitors ..... 81 officers and employees, salaries ..... 90 no perquisites ..... 90 may be lodged and messed ..... 90 appropriation for ..... 164 ib. .... 173	
<b>STATE LANDS</b>		<b>STATE SUPERINTENDENT</b>	
board of commissioners to control ..... 33 ib. .... 56 appropriation for ..... 160 ib. .... 173 purchase of, from state ..... 33 rights of way over ..... 33 Carey act, acceptance of ..... 49 desert lands, reclamation and disposal ..... 49 contracts ..... 49 arid lands, application for ..... 50 ib. .... 52 applicant for, financial ability ..... 50 to make deposit ..... 50 land board to examine application for ..... 50 give notice ..... 51 hear protest ..... 51 acceptance ..... 51 disapproval ..... 51 contract ..... 51 price, bond ..... 51 ib. .... 53 time, forfeitures ..... 52 failure ..... 52 reclamation fund ..... 53 completion of works ..... 53 foreclosure ..... 54 maps, reports ..... 54 withdrawal from country ..... 51		of public instruction to report expense and surrender books ..... 18 election, qualifications, term ..... 46 may appoint deputy ..... 46 salary, payment ..... 73 See <i>School</i> .	
		<b>STATE TREASURER</b>	
		reclamation fund deposited with ..... 53 to register warrants on land grant fund ..... 58 inheritance tax, to apply for appraisement of estate subject to ..... 62 payable to ..... 63 to collect ..... 63 appraisement to be filed with to represent state ..... 64 salary, payment ..... 73 payment of coal mine inspector by ..... 83 collector of taxes on car companies to remit to ..... 148 ib. .... 149 appropriation to ..... 150 bounty on wild animals, payment ..... 179 See <i>Taxation</i> .	



STATISTICS	PAGE.
state bureau of, created; duties.....	47
appropriation for.....	49
ib. ....	160
<b>STENOGRAPHER</b>	
for supreme court, appointment and duties...	32
appropriation for.....	161
ib. ....	173
board of labor, etc., may employ .....	69
health, state, appropriation for.....	166
<b>STOCK</b>	
of railroads, consolidations—See <i>Railroad</i> .	
live, statistics of, report.....	48
transient, taxation.—See <i>Animals</i> .....	103
in corporations, payment in property.....	80
<b>STRIKE</b>	
to be arbitrated—See <i>Labor</i> .....	68
<b>SUBPENA</b>	
defined.....	10
who may issue.....	10
See <i>Court</i> .	
<b>SUGAR</b>	
factory, pipe connections, eminent domain	
for .....	20
<b>SUMMONS</b>	
out of municipal court, form.....	119
<b>SUPREME COURT</b>	
what may be reversed in, on appeal.....	25
deputy clerk and stenographer.....	32
appropriation to.....	161
ib. ....	172
See <i>Court</i> .	
<b>SURVEYOR</b>	
making of county maps by.....	101
ib. ....	102
county—See <i>County Surveyor</i> .	
<b>TAXATION</b>	
poll, exemption of soldier, sailor or marine..	6
collection and expenditure of tax.....	12
ib. ....	13
school district boards, funds for.....	35
county, levy and collection of.....	43
vote of taxpayers to establish high....	81
to refund unlawful collections.....	132
levy, in city.....	149
special, limitation.....	149
collection .....	150
for 1901 and 1902.....	158
waterworks, maintenance of—See <i>State Lands</i>	50
inheritance in excess of \$10,000.....	61
five per centum and interest.....	61
a lien on.....	61
inventory to be filed .....	61
inheritance, no conveyance to evade.....	62
appraisalment within thirty days	62
how made.....	64
filing copy of.....	64
tax paid within fifteen months..	62
ib. ....	63
tax on life estate .....	62
appraisalment.....	62
deduction of improvements.....	62
on remainder.....	62
default, order of court. ....	62
bequest in lieu of compensation..	63
legacy a charge on real estate....	63

TAXATION—continued.	PAGE.
inheritance, executor to collect tax.....	63
file description and	
copy of appraisal-	
ment .....	64
no delivery of property till tax is	
paid.....	63
unpaid tax draws interest.....	63
treasurer collects, when.....	63
county clerk to file appraisalment	64
no settlement till tax is paid....	64
district court has jurisdiction...	64
appeals .....	64
State Treasurer represents state	64
unlawful collection, repayment.....	77
ib. ....	121
ib. ....	132
of transient stock, liability.....	103
filing certificate of .....	104
duty of county clerk.....	104
non-resident to give bond.....	104
cash deposit for.....	104
owned by residents.....	105
collec-	
tion.....	105
certificate of assessment..	105
no double tax .....	105
exception..	106
assessing omitted stock...	106
suit for failure to report..	106
removal of, to evade tax.....	106
penalty .....	107
failure to give bond, pen-	
alty.....	107
file certificate,	
penalty .....	107
comply with law,	
penalty.....	107
officer's failure, penalty..	107
forfeitures collected by	
civil action .....	107
redemption of real estate sold under.....	122
property by car companies.....	149
assessment roll, state to furnish .....	124
preparation and contents....	124
none against exempt land.....	125
apportionment of by county.....	147
city may levy for general or special purposes	
—See <i>City</i> .....	133
ib. ....	149
ib. ....	153
of car companies .....	147
apportionment of assess-	
ment.....	147
charged to treasurer, except..	147
index of names.....	148
collection of.....	148
treasurer to remit.....	148
ib. ....	149
delinquent list, sale.....	148
railways to furnish informa-	
tion .....	149
redemption of property.....	149
salary of collector.....	149
special, in city, intention to levy .....	153
protest against.....	153
state levy for 1901 and 1902.....	157
county levy for 1901 and 1902.....	158

<b>TAXATION—concluded.</b>	<b>PAGE.</b>	<b>UNITED STATES</b>	<b>PAGE.</b>
<b>board of equalization:</b>		soldier, sailor or marine, burial of, by county	6
state, terms and duties of.....	66	exempt from poll tax.....	6
to furnish assessment rolls.....	124	eminent domain for.....	19
apportion assessments.....	147	relinquishment of unsurveyed school land to	27
county to equalize assessment.....	94	citizens may enter lands—See <i>State Lands</i> .....	32
may remit taxes, limitation.....	94	thanks to people of, for relief in Scofield mine	
<b>delinquent taxes:</b>		disaster.....	96
sale of property for.....	78	<b>UNIVERSITY OF UTAH</b>	
ib.....	148	school of mines connected with.....	31
publication of list.....	76	appropriation to.....	162
car companies.....	148	ib.....	166
<b>TELEGRAPH</b>		ib.....	172
line, eminent domain for.....	20	ib.....	173
right of way over state lands.....	83	<b>UTAH ART INSTITUTE</b>	
apportionment of assessed valuation.....	147	appropriation for.....	164
<b>TELEPHONE</b>		<b>UTAH VOLUNTEERS</b>	
line, eminent domain for.....	20	improper use of medal of, forbidden.....	39
right of way over state lands.....	33	<b>VACANCY</b> —See title of the office.	
apportionment of assessed valuation.....	147	<b>VACCINATION</b>	
<b>TOWN</b>		compulsory, forbidden.....	15
eminent domain for.....	19	<b>VALIDATION</b>	
may grant depot site to railway.....	42	of defective instruments of record.....	103
officers to give information to bureau of sta-		<b>VENIRE</b>	
tistics.....	48	open for jurors.....	154
sale of liquor in, near Indian reservation.....	55	<b>VENUE</b>	
election, primary, voting at.....	72	change of—See <i>Court</i> .....	17
conduct of.....	180	<b>VINEYARDS</b>	
assessment, apportionment to.....	147	statistics of, report.....	66
See <i>City; Taxation</i> .		<b>VOTER</b>	
<b>TRADEMARK</b>		transfer of name of registered.....	10
fee for filing.....	59	powers of, regarding school district funds.....	35
registration of.....	125	to vote on granting depot site to railway.....	42
unlawful use of, penalty.....	126	at primary election, who is a.....	72
search warrant for.....	127	may petition for annexing a county.....	129
avoiding penalty.....	127	See <i>Election</i> .	
<b>TRANSIENT STOCK</b>		<b>WAGES</b>	
taxation of.....	103	statistics of, report.....	66
<b>TREES</b> —See <i>Horticulture</i> .		testimony concerning, in arbitration of labor	
<b>TRIAL</b>		troubles—See <i>Labor</i> .....	62
change of place of.....	17	<b>WARDEN</b>	
motion for new, in city court.....	113	of state prison, delivery of convicts to.....	35
new, procedure in municipal court.....	118	to provide tickets for vis-	
notice of, to be given.....	120	itors.....	62
See <i>Court</i> .		fish and game, duties—See <i>Fish and Game</i> .....	155
<b>TROUT</b>		<b>WARRANT</b>	
protection of.....	154	issue of bench.....	9
<b>TRUSTEES</b>		county may issue bonds for.....	30
of school district, issue of bonds by.....	14	unpaid state, to draw interest.....	56
powers of.....	35	of arrest on requisition, fee for.....	60
may maintain high school.....	81	<b>WATER</b>	
may invest sinking fund.....	82	supply, construction of system for—See <i>State</i>	
may levy tax to repay col-		<i>Lands</i> .....	50
lections.....	132	in state reservoir.....	57
See <i>School</i> .		rights appurtenant to lands.....	53
of town may grant depot sites.....	42	system in coal mines.....	86
to name judges of election and poll-		city may control, when.....	124
ing places.....	180	measurement of streams of—See <i>State En-</i>	
See <i>City; Town</i> .		<i>gineer</i> .....	16
of estate liable for inheritance tax.....	61	legal standard of.....	143
to collect inheritance tax.....	63	districts in county, creation of.....	163
petition for partial distribution.....	181		

<b>WATER—concluded.</b>	<b>PAGE.</b>
commissioners, appointment.....	144
duties.....	144
compensation .....	145
assistants .....	145
period of service.....	145
appropriator of, to maintain headgate and	
flume.....	145
failure of.....	146
dams in streams, inspection .....	146
fish and game commissioner to control, how—	
<i>See Fish and Game.</i> .....	155
<b>WITNESSES</b>	
before grand jury, interrogation of.....	8

<b>WITNESSES—concluded.</b>	<b>PAGE.</b>
issue of subpoena for.....	10
by district attorney.....	70
notice of conditional examination of.....	11
change of venue for convenience of .....	17
names not endorsed on information.....	27
certificates, approval of .....	38
outstanding to be presented.....	66
barred .....	67
before bureau of statistics— <i>See Bureau of</i>	
<i>Statistics</i> .....	47
board of labor may subpoena .....	69
at inquest over coal mine accident.....	90
<b>WORKMAN—See Employee.</b>	













